

PINELANDS CLIMATE COMMITTEE MEETING

This meeting was conducted in-person and available remotely.

The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/c/PinelandsCommission>

Zoom Meeting ID: 852 2351 0486

September 20, 2023

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Jerome H. Irick, Theresa Lettman, Mark Mauriello, Jonathan Meade

MEMBERS ABSENT: Commission Chair Laura E. Matos, Alan Avery

STAFF PRESENT: Susan R. Grogan, Stacey Roth, Ernest Deman, Dawn Holgersen, Paul Leakan, and Steven Simone. Also present was Janice Venables with the Governor's Authorities Unit

1. Call to Order

Chairman Lohbauer called the Pinelands Climate Committee meeting to order at 2:02 p.m.

2. Adoption of the July 19, 2023 Climate Committee meeting minutes

Commissioner Irick moved the adoption of the minutes of the July 19, 2023 Committee meeting. Commissioner Lettman seconded the motion. All voted in favor.

3. Pinelands management area boundary assessment

Ms. Grogan delivered a presentation on the Pinelands management area boundary assessment (*attached to these minutes*).

Ms. Grogan said the Committee was advised to look at boundaries and management area designations throughout the Pinelands as it relates to climate change impacts. She said the focus was primarily on areas where residential and non-residential development growth would be encouraged.

She said the Pinelands Land Capability Map outlines nine management areas. She said the three main areas where growth would be encouraged are the Regional Growth Areas (RGA), Pinelands Towns (PT), and Pinelands Villages (PV). She said most existing and future development is in the RGA.

She said that large communities that were established prior to the enactment of the Comprehensive Management Plan (CMP) were given the PT management area designation. She said the PT area contains various types of development.

Ms. Grogan said the PV designation was given to smaller existing communities. She said on the original Land Capability Map, those areas were designated by circles or dots; there were no defined boundaries. She said the municipalities created the village boundaries as part of the conformance process. She said that growth is somewhat restricted in the PV area, but some development is possible.

Chairman Lohbauer inquired as to whether the boundaries for the Village areas are the same as the Town areas. Ms. Grogan said they were not. She said that the Commission's Conformance Committee met with the municipalities to come up with mutually acceptable boundaries for the 47 villages. She said most development in villages relies on septic systems. She said that the New Lisbon area of Pemberton Township is one PV that is connected to sewer.

Chairman Lohbauer asked about the newly established infill areas in Bass River as it relates to a village designation. Ms. Grogan said the infill areas are outside the PV area of New Gretna in Bass River.

Ms. Grogan said that the PV areas are small, but still have areas of development. She said many Villages could be expected to be more affected by climate related factors due to the Preservation and Forest areas that surround them.

She said the first level of analysis identified the specific climate change factors that would be considered and defined the management areas that would be studied. She said the focus would be on wildfire hazards, flood hazards, sea level rise, threatened & endangered species habitat, and land acquisition targets. She said those considerations would be combined with GIS mapping to determine areas that would need further consideration for management area changes.

She said staff used multiple data sources to research the impacts. She said each factor was rated on a numeric scale. She said a higher score would equate to higher susceptibility to climate risks.

She said that over 2,000 discrete areas were identified covering approximately 2,500 acres. She said while the identified acreage is a large number, it is small in comparison to the overall acreage of the management areas studied.

Ms. Grogan said that a second level of analysis was performed on the areas identified in the first analysis. She said the factors that were considered included tract size, existing development, preservation status, wetlands, Commission application status, and its proximity to preserved lands and/or other management areas.

In response to Chairman Lohbauer's question as to the development potential of the acreage identified in the analysis, Ms. Grogan said that the areas identified were all zoned for some form of development.

Ms. Grogan said that the second analysis revealed only 39 areas with a size of at least 10 acres. She said the 39 areas spanned a total of approximately 1,500 acres. She said those areas ranged from 10 acres to 169 acres, with an average of 38 acres. She said the areas were in the RGA, PT, and PV areas. She said that the areas are in 12 municipalities.

She said that out of the 39 areas identified, many of them are heavily constrained by wetlands. She said a few contain existing development or have active development applications. She said that some areas contain preserved lands. She said an in-depth analysis of individual lots may be necessary to identify the appropriate action.

She said a third analysis would identify ownership of the lands. She said it would detail the proximity to preserved lands, acquisition target areas, and more restrictive management areas. She said it would identify the tract configuration, lot lines, and municipal zoning.

She said that potential recommendations for the area could include management area boundary changes, municipal zoning changes, targeting for preservation, special wetlands buffer provisions, no action, or a combination of the recommendations.

Ms. Grogan said that more information and recommendations should be available for the Committee's December meeting.

Commissioner Irick expressed concern for the density of development in the RGA and municipalities' potential for establishing redevelopment areas. He suggested the inclusion of wooded areas and consideration of development intensity for the RGA in the land analysis.

Ms. Grogan said that the analysis was designed to provide for reevaluation to recalculate risk factors. She said the information could be used in the future for guidance when a municipality proposes a redevelopment plan.

Commissioner Mauriello said he is interested in the Commission's acquisition priorities and asked how the Commission works with other agencies to establish targets for land acquisition and identify funding.

Ms. Grogan said the Commission designated target areas in the early 1980s and added more areas in the years after. She said that information is used for the Commission's own acquisition efforts with grants from the Pinelands Conservation Fund (PCF). She said that during a round of acquisitions, public agencies non-profit conservation organizations are encouraged to apply and that bonus points are added during evaluation when a project is in an already defined target area. The Commission then selects projects and offers PCF funding up to one third of the project cost.

She said the Commission is working to establish a closer relationship with the New Jersey Department of Environmental Protection (NJDEP). She said the Commission is also working closely with the counties for land acquisition projects. She said the current acquisition priorities are mostly based on climate change factors similar to those used by NJDEP in its recent acquisition efforts.

She said that the Commission intends to open a new round of acquisitions during the spring. She said the information from the management area boundary assessment may help in revising acquisition priorities.

Chairman Lohbauer praised the process for the boundary area analysis. He expressed concerns related to development pressure and the difficulty with rezoning. He suggested the creation of a 10th zoning district for climate sensitive areas.

Ms. Grogan said that the Commission can create new management areas or overlays. She said the creation of an overlay could provide additional protection and limit development in identified areas. She clarified that an overlay cannot ban all development.

Chairman Lohbauer said that special wetland provisions should be implemented throughout all the management areas to provide relief for potential river flooding from increased rain due to climate change.

Ms. Grogan said the current analysis was focused on the management areas where development is permitted and expected to occur.

Ms. Roth said that NJDEP regulates flooding under its flood hazard rules. She said that not all rivers have wetland areas.

Commissioner Meade expressed praise for the approach taken for the management area boundary analysis. He expressed concern on identifying targets for preservation. Ms. Grogan said that further analysis will be presented at the next meeting and should inform future acquisition planning.

Commissioner Lettman commented that she anticipated a larger area would be identified during the boundary analysis. She asked whether there might be other matters for the Committee to focus on that could have a greater climate impact.

Ms. Grogan said that the Committee previously expressed interest in working with the New Jersey Board of Public Utilities (NJBPU) on its dual use solar pilot program and regulations. She said that the staff and Committee can continue to work on both matters simultaneously. .

4. Discussion of FY24 Climate Committee work plan, including state & office initiatives

Ms. Grogan delivered a presentation on the FY24 work plan (*attached to these minutes*).

Ms. Grogan said that a special climate-related reserve account was created as part of the FY23 budget. She said the reserve account was intended to purchase office equipment, employ the services of a solar energy facility consultant, the future installation of an electric charging station, purchase of new Commission vehicles, and the replacement of the HVAC systems. She said the Commission accomplished the task of purchasing new and replacement office equipment and new Commission vehicles.

She said the funding in this account remains and the Commission will continue to work on the rest of the goals established.

She outlined climate related accomplishments from FY23. She said that the management area boundary assessment is underway. She said the Commission participated in the review and comment on the NJDEP inland flood protection rules. She said presentations were made on the subjects of no net loss of trees and the statewide water supply plan. She said presentations were conducted with NJBPU for the Dual Use Solar Act and upcoming pilot program. She said the Commission also continued to participate with the Interagency Council on Climate Resilience for the preparation of a resilience action plan for extreme heat.

She said the office initiatives for the FY24 workplan are to install an electric vehicle charging station, create a long-term plan for replacing the HVAC system, receive services from a solar energy facility consultant, implement a paperless application submission with online payment of application fees, and develop a composting program. She said that an online application fee payment system was recently launched and is linked on the Commission website.

She said that projects during the FY24 workplan are to complete the analysis of the management area boundaries and present recommendations to the Policy & Implementation (P&I) Committee, coordinate with NJBPU for solar energy programs, and continue to participate in the Interagency Council on Climate Resilience.

In response to Commissioner Irick's question as to the use of agrivoltaics, Ms. Grogan said that the CMP allows for the accessory use of solar panels; but they must primarily serve the needs of the principal use on the property.

Commissioner Irick expressed concern on the use of solar panels for off-site infrastructure projects due to the lack of capacity from the local electric companies' current infrastructure.

Ms. Grogan said that CMP currently does not allow large dual use solar projects in the Agricultural Production Area or Forest Area. She said the staff will need to conduct research on ways to allow farmers in these management areas to participate in the BPU pilot program, with or without Commission rulemaking.

Chairman Lohbauer suggested the use of on-site energy storage facilities for dual use solar. Ms. Roth recommended the suggestion be forwarded to NJBPU during their stakeholder process.

Commissioner Lettman inquired as to whether the Rural Development Area (RDA) was evaluated during the management boundary area assessment and if it identified a greater amount of affected land. Ms. Grogan replied that the RDA is not usually considered when evaluating growth areas, as permitted development is more limited in that management area. She said it would be possible for staff to go back and analyze the RDA in the future. She said it would likely increase the area of concern.

Chairman Lohbauer inquired as to the role of the Commission in outreach for community solar and agrivoltaics without having the Pinelands Municipal Council. Ms. Grogan said that the Municipal Council is in the process of reformation. She said the staff provided information to towns and offered its assistance to NJBPU and NJDEP in their review of specific projects in the Pinelands Area.

Chairman Lohbauer recognized the limited staff resources and suggested research on the subject of no net loss of trees when time permits. He stressed the importance of carbon sequestration while also allowing development.

5. Public Comment

There was no public comment offered.

There being no further discussion, Commissioner Irick moved to adjourn the Committee meeting. Commissioner Mauriello seconded the motion. The meeting concluded at 3:25 p.m.

Certified as true and correct:

A handwritten signature in black ink, appearing to read "Dawn Holgersen", with a stylized flourish at the end.

Dawn Holgersen
Office Assistant
November 27, 2023



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Pinelands Management Areas

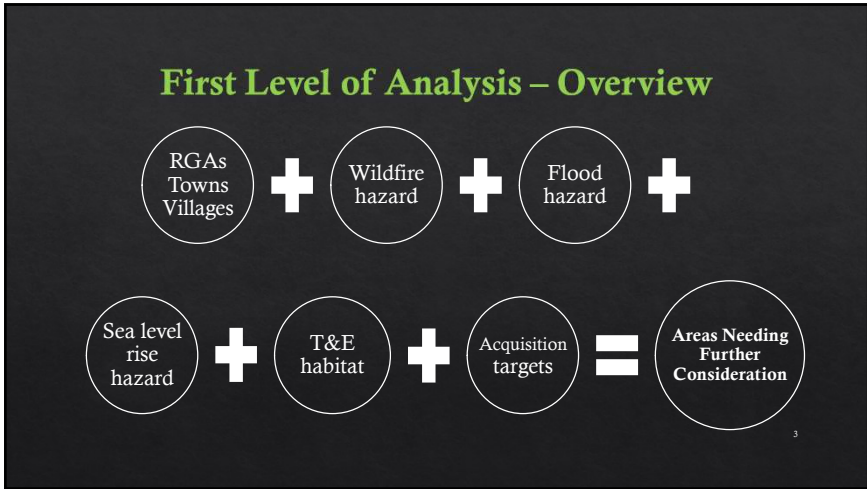
Growth is encouraged or permitted:

- Regional Growth Areas
- Pinelands Towns
- Pinelands Villages

New Jersey Pinelands Land Capability Map Management Areas:

- Pinelands Villages
- Pinelands Towns
- Regional Growth Areas
- Pinelands Villages
- Pinelands Towns
- Regional Growth Areas
- Pinelands Villages
- Pinelands Towns
- Regional Growth Areas

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- First Level of Analysis – Data**
- ◆ **Data Sources:**
 - ◆ NASA/NJPC – Wildfire Hazards
 - ◆ NJ Flood Mapper – Flood Hazards, Sea Level Rise
 - ◆ NJDEP – T&E Habitat
 - ◆ NJPC – Areas targeted for acquisition
 - ◆ Each factor was weighted on a numeric scale
 - ◆ The higher the score, the more susceptible to climate risks

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Results of First Level of Analysis

- ◆ Over 2,000 discrete areas
- ◆ ~2,500 acres identified
- ◆ For context:
 - ◆ Regional Growth Areas cover 77,500 acres
 - ◆ Pinelands Towns cover 21,500 acres
 - ◆ Pinelands Villages cover 26,000 acres

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Second Level of Analysis

- ◆ Factors Considered:
 - ◆ Tract size
 - ◆ Existing development
 - ◆ Preservation status
 - ◆ Wetlands
 - ◆ Application status
 - ◆ Proximity to preserved lands and/or other Management Areas

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Initial Second Level Tract Identification

- ◆ Only 39 areas were at least 10 acres in size
 - ◆ Cumulatively ~1,500 acres
 - ◆ Range: 10 acres to 169 acres
 - ◆ Average of 38 acres in size
 - ◆ Identified in Regional Growth Areas, Towns, and Villages
 - ◆ 12 municipalities

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Hypothetical Example 1

- ◆ Area located in Regional Growth Area
- ◆ 47 acres in size
- ◆ Not preserved
- ◆ 93% wetlands coverage
- ◆ No active applications
- ◆ Not contiguous with preserved land
- ◆ Not contiguous with a more restrictive Management Area



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Hypothetical Example 2

- ◆ Area located in Pinelands Town
- ◆ 11 acres in size
- ◆ Not preserved
- ◆ 22% wetlands coverage
- ◆ No active applications
- ◆ Not contiguous with preserved land
- ◆ Not contiguous with a more restrictive Management Area



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Hypothetical Example 3

- ◆ Area located in Pinelands Village
- ◆ 98 acres in size
- ◆ Not preserved
- ◆ 55% wetlands coverage
- ◆ No active applications
- ◆ Contiguous with preserved land
- ◆ Contiguous with a Pinelands Forest Area



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Results of Second Level of Analysis

- ◆ Of the 39 initial tracts:
 - ◆ Many are heavily constrained by wetlands
 - ◆ A few contain existing development or have active development applications
 - ◆ Some contain preserved lands
- ◆ Suggests need for in-depth analysis of individual lots to identify appropriate action(s)

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Third Level of Analysis

- ◆ Ownership
- ◆ Proximity to preserved lands & acquisition target areas
- ◆ Proximity to more restrictive management areas
- ◆ Tract configuration
- ◆ Lot lines
- ◆ Municipal zoning

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Potential Recommendations

- ◆ Pinelands Management Area boundary change
- ◆ Municipal zoning change
- ◆ Target for preservation
- ◆ Special Wetlands Buffer provisions
- ◆ No action at this time
- ◆ **Combination of these actions!**

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Discussion



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FY23 Accomplishments

- Established special “Climate” reserve account as part of FY23 budget
 - Office equipment: new and replacement
 - Solar energy facility consultant
 - Electric vehicle charging station
 - New Commission vehicles
 - Long-term plan for replacement of HVAC, etc.

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FY23 Accomplishments

- Pinelands management area boundary assessment underway
- Review/comment on NJDEP Inland Flood Protection Rules
- Presentation on no net loss of trees and Statewide Water Supply Plan update
- Presentations on Dual Use Solar Act and upcoming BPU pilot program
- Continued participation on Interagency Council on Climate Resilience and preparation of Resilience Action Plan for Extreme Heat

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FY24 Workplan

Office Initiatives

- Electric vehicle charging station
- Long-term plan for replacement of HVAC
- Solar energy facility consultant
- Paperless application submission, including on-line payment of application fees
- Composting program

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FY24 Workplan

- Pinelands management area boundary assessment
 - Completion of analysis
 - Recommendations to P&I Committee for implementation
- Coordination with NJBPU on solar energy facility programs:
 - Permanent community solar program
 - Competitive solar program
 - Dual Use solar pilot program
 - MOA, MOU or other interagency agreement
- Interagency Council on Climate Resilience