

Disclaimer

These minutes reflect the actions taken by the Commission during its June 9, 2023 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on June 14, 2023.

PINELANDS COMMISSION MEETING

MINUTES

June 9, 2023

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=OGvcWT2n7ao>

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., John Holroyd, Jerome H. Irick, Theresa Lettman, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, and Douglas Wallner. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Nicolas Seminoff and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

Dan Christy, Ed Lloyd and Laura E. Matos.

Call to Order

Vice Chair Avery called the meeting to order at 9:31 a.m.

DAG Seminoff read the Open Public Meetings Act Statement (OPMA).

Executive Director (ED) Grogan called the roll and announced the presence of a quorum. Ten Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

Minutes

Vice Chair Avery presented the minutes from the Commission's May 12, 2023 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the May 12, 2023 Commission meeting were adopted by a vote of 10 to 0.

Committee Reports

Vice Chair Avery provided a summary of the May 26, 2023 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the April 28, 2023, meeting.

The Committee was updated on the status of the Pemberton Lake Trails Memorandum of Agreement (MOA). Staff is still working to finalize the language of the agreement. A formal draft will be presented to the Committee once the staff meets with the applicant and determines how to address stormwater management requirements. No formal action was needed from the Committee.

Stafford Township made a presentation on a proposed Memorandum of Agreement (MOA) to allow paving trails in wetlands buffers at Forecastle Basin and Lake in Ocean Acres. The Township would upgrade approximately 2,600 linear feet of existing trails near Route 72. Representatives from the Township described the need to draw more attention to the value of parks and open space, and to create an inclusive recreation facility for handicapped people. The Committee was generally supportive of the proposal but had some concerns about using asphalt as the surface material. The Committee voted to move the matter to the full Commission for discussion and authorization at an upcoming meeting.

The Committee received a presentation on upcoming Long Term Economic Monitoring (LTEM) Projects for the Federal FY2023. The projects include the five-year LTEM update for the years 2018-2022, describing the economic benefits of parks and open space, ongoing Cultural Resources projects, tasks related to the Pine Barrens Byway, and a digital database to track municipal conformance and zoning. Committee members were supportive of the projects and expressed interest in finding ways to quantify the benefits of parks and open space.

Executive Director's Report

ED Grogan provided information on the following matters:

- Connolly and Hickey, the architecture firm that the Commission has contracted with, is close to issuing a final draft of the Fenwick Manor preservation plan. An additional site visit has been scheduled with a structural engineer. The final plan

will be shared with the New Jersey Historic Trust as part of the grant application that was filed in April of this year.

- Staff met with the Commission's outside labor counsel who has been retained for collective bargaining negotiations. The first negotiations meeting will be held on June 13, 2023.
- The public comment period for the Kirkwood-Cohansey water management rule proposal closed on June 2, 2023. Staff is in the process of preparing a response to the comments and drafting an adoption notice. Adoption of the rule proposal is anticipated at the August Commission meeting.
- Stafford Township will attend the July Commission meeting to discuss a project to pave trails at an existing municipal park. The project requires an MOA. The Commission will be asked to authorize staff to draft an MOA for the deviation.
- A contract has been signed with a radio frequency consultant, Dr. Bruce Eisenstein. The Commission contracted with Dr. Eisenstein during the initial local communication facility amendments back in the late 1990s. Dr. Eisenstein will provide guidance related to the need for additional local communication facilities in the Pinelands Area. The Commission expects one or more amendments to be received and will now have the expertise needed to determine the need for additional cell towers.
- A revised Request For Quotes (RFQ) was posted to the Commission's website seeking hybrid/electric field vehicles. A quote was submitted from a vendor on the state contract. The Commission has purchased two hybrid, plug-in electric Jeep Wranglers, which will be delivered soon. If the Commission installs a charging station in the future, the Wranglers can run fully on electric.
- Chinonye Uzowuru, a summer intern from Rutgers University, was introduced. She will be working in the Information System's office. The Commission applied to Rutgers to be part of the internship program and was accepted.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matters:

- In October of 2022, the Commission approved an application for a 25-foot firebreak along Oswego and Allen Road rights-of-way. A condition outlined in the Public Development report required the applicant to submit information regarding the treatment of the three existing threatened and endangered snake research sites along the project route. The applicant is eliminating clearing in front of each site and will maintain a 50-foot buffer to the three research sites. The Commission sent the applicant a letter that was signed by the Executive Director and approves the approach.

- Staff is reviewing an application for the redevelopment of the 21-acre Red Lion Diner site. The development proposed includes the construction of a convenience store, two fast food restaurants, a retail commercial storefront and the demolition of the existing Red Lion Diner.

Commissioner Avery asked if the recent fire in Bass River State Forest was in the area of the proposed fire break.

Director Horner said staff had the same question and will find out and report the information at the next Commission meeting.

Commissioner Irick said he had heard a local fire chief express concerns about the ability to access water when working in remote areas of the forest. He asked if staff could suggest the installation of a well as part of a future forest firebreak application.

Director Horner said he read the same comments and believe they were made by the Woodland Township Fire Chief who said his fire department was having difficulty filling its tankers. He said staff has reached out to the New Jersey Forest Fire Service to better understand the matter. He provided an overview of the Pinelands Comprehensive Management Plan's (CMP) requirements for the installation of a well and briefly described the water allocation process.

Stacey Roth, Chief, Legal & Legislative Affairs said the Lake Lenape MOA with Atlantic County that the Commission authorized earlier this year has been signed. Atlantic County is working with the New Jersey Department of Environmental Protection (NJDEP) to amend the deed of conservation restriction. She said she is working with NJDEP's Office of Natural Lands Management on several matters. She said the NJDEP holds the Commission's easements because the Commission cannot hold real property. She said the NJDEP has a new portal on their website and the process has become easier for applicants.

Commissioner Mauriello asked whether the full State House Commission review and approval process is required for the deed of conservation restriction amendments.

Ms. Roth said many are below the acreage threshold and do not trigger that process.

Paul Leakan, Communications Officer, said the recent article in the Philadelphia Inquirer generated interest in the upcoming 7th annual Pinelands Summer Short Course, which is scheduled for June 23, 2023 at Kramer Hall in Hammonton.

Public Development Projects and Other Permit Matters

Vice Chair Avery introduced a resolution in which the Department of Transportation is proposing to demolish four buildings, 50 years old or older, and construct two material storage buildings in Galloway Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1995-1676.004) (See Resolution # PC4-23-24). Commissioner Pikolycky seconded the motion.

The resolution was adopted by a vote of 10 to 0.

Public Comment on Development Applications and Items Where the Record is Open

No one from the public spoke.

Ordinances Not Requiring Commission Action

Vice Chair Avery said there are several ordinances that staff reviewed this past month.

ED Grogan confirmed that most if not all of the ordinances listed on the agenda were related to stormwater amendments.

Other Resolutions

Vice Chair Avery introduced a resolution that will allow the Commission to proceed with purchases and payments until the Fiscal Year 2024 budgets are adopted.

Commissioner Irick made a motion To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2024 at the Same Level of Expenditures as Fiscal Year 2023 until the Adoption of the Fiscal Year 2024 Budgets (See Resolution #PC4-23-25). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 10 to 0.

General Public Comment

Tom Besselman of Pemberton Township said the Commission approved an application to demolish a structure 50 years old or older. He asked if there was any thought to change that requirement to a different figure.

ED Grogan said this is not the first time the 50-year threshold for the demolition of a structure has been questioned. She said she has asked staff archaeologists in the past and they have advised that it should not be changed because it's a moving window.

Adjournment

Commissioner Lohbauer said he wished the Commission could have waited to buy the new field vehicles because he believes that in approximately six months electric field vehicles meeting the Commission's needs will be available, eliminating the use of fossil fuels.


Commissioner Asselta noted that fossil fuels still create the majority of electricity in most parts of this country. He said if South Jersey cannot bring wind energy into the grid, the

reliance on fossil fuels remains. He said the use of more electric causes an increase in demand for electricity.

Commissioner Lohbauer said he predicts that by the end of this decade the country will see a shift from fossil fuels to sustainable energy in utility scale storage batteries.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:15 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: June 14, 2023