



State of New Jersey
THE PINELANDS COMMISSION
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Acting Executive Director

Date: February 17, 2022

Subject: February 25, 2022 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on February 25, 2022. We have also enclosed the following:

- The minutes from the Committee's November 19, 2021 meeting;
- A draft resolution and report on the Tabernacle Township ordinance amendment on the agenda; and
- A draft resolution related to the State's Payment in Lieu of Taxes (PILOT) program, along with a copy of the Pinelands Municipal Council's January 2022 resolution on the same subject.

The Committee meeting will be conducted via teleconference. Specific access information will be provided to all Committee members in a separate email. The public will be able to view and participate in the meeting through the following YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

February 25, 2022 – 9:30 a.m.

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acryo7ppxs3Uw>

Provide Public Comment, Please Dial: 929-205-6099 Meeting ID: 844 3799 7322

Agenda

1. Call to Order
2. Adoption of minutes from the November 19, 2021 CMP Policy & Implementation Committee meeting
3. **Executive Director's Reports**

Tabernacle Township Ordinance 2021-10, amending Chapter XVII, Zoning, of the Township's Code by rezoning lands from the Infill Commercial District to the Infill Residential and Preservation Area Districts and adding solar energy facilities as a permitted use in the Preservation Area District
4. Discussion of the PILOT (Payment in Lieu of Taxes) Program: funding status and draft resolution to support the Pinelands Municipal Council's efforts
5. Update on upcoming Policy & Implementation Committee matters
 - Rulemaking: Kirkwood/Cohansey water supply, the Electric Transmission Right-of-Way Pilot Program and CMP amendment priorities
 - Pinelands Conservation Fund land acquisition
6. Public Comment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted remotely

All participants were present via Zoom conference

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

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

Meeting ID: 815 8070 9301.

November 19, 2021 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Richard Prickett, Alan Avery, Jerome H. Irick, Ed Lloyd and Mark Lohbauer

MEMBERS ABSENT: None

STAFF PRESENT: Susan R. Grogan, Stacey P. Roth, Charles Horner, Jessica Lynch, Brad Lanute, Kim Laidig, Ernest Deman, Brian Szura, Paul Leakan, and Dawn Holgersen. Also present was Rudy Rodas, with the Governor's Authorities Unit.

1. Call to Order

Chairman Prickett called the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee meeting to order at 9:31 a.m. and Ms. Grogan identified all staff attending/participating in the meeting.

2. Adoption of minutes from the October 29, 2021 CMP Policy and Implementation Committee meeting

Commissioner Lohbauer moved the adoption of the minutes of the October 29, 2021 Committee meeting. Commissioner Lloyd seconded the motion. All voted in favor.

3. Stormwater management CMP amendments

Ms. Grogan said that there was nothing new to report. She said that Commission staff met with representatives from the New Jersey Department of Transportation (NJDOT) last week to discuss their concerns.

She said that some minor clarifications were made and there were no substantial changes to the amendment language. She said that it is being finalized and we are awaiting a response from the Governor's Office.

Ms. Grogan said that a resolution may be presented at the December Commission Meeting and that NJDOT issues seem to be resolved.

4. Electric Transmission Right-of-Way Maintenance Pilot Program

Ms. Grogan said that Commission staff are in the process of drafting the rule language. She said that it will be prepared to present at the next meeting.

5. Priorities and schedules for CMP amendments

Ms. Grogan gave a presentation on the priorities and schedules for CMP amendments (*attached to these minutes and on the Commission's website at:*

<https://www.nj.gov/pinelands/home/presentations/P%20%20I%2011.19.21%20CMP%20Amendments.2.pdf>).

She said that all Commissioners and staff were asked to provide their top five priorities. She said that it gave some perspective.

Ms. Grogan mentioned that the only Commissioners to respond to the request were those on the P&I Committee.

She outlined the top five Commissioner priorities: stormwater management, right-of-way maintenance, water supply, the Pinelands Development Credit (PDC) program, and solar facilities.

Ms. Grogan said that, among the Commissioners, there were other items that were highly ranked by two Commissioners but they lacked a consensus or support.

She said that cluster development is high on the Commission staff priority list. She mentioned that the rules have not been revised in ten years. She said that a comprehensive review has been completed and necessary clarifications have been identified, along with a number of more substantive changes.

Ms. Grogan said that expiration of protection from zoning changes is another high priority for Commission staff. She said that the lack of expiration dates has become a time consuming and difficult issue when dealing with application that have old approvals.

Ms. Grogan indicated that because only five Commissioners responded to the request, it was hard to draw any definitive conclusions on the long list of potential amendments.

In response to a question from Commissioner Lloyd, Ms. Grogan said that responses were received from five to ten staff members.

Ms. Grogan said that there are large policy amendments drafted. She said that internal policy correction amendments were largely recommended by Commission staff.

She said that it takes a considerable effort to study and write amendments. She mentioned that it took about three years to develop, draft and propose the stormwater amendments. She said that there are also stakeholder considerations that need to be accommodated in the process.

Ms. Grogan said that when CMP amendments are passed by the Commission, Pinelands municipalities must adopt ordinances to add these amendments. She said that municipalities have one year to adopt such ordinances.

Chairman Prickett remarked that ordinances for most of the municipalities are written by Commission staff. Ms. Grogan said that it is easier now that towns have codified their ordinances. She said that it is still time consuming.

Ms. Grogan said that when the Commission sends the model ordinances, about half of the municipalities will adopt them without edits, some will have feedback, and some are reluctant.

In response to Commissioner Lloyd's question about Commission input for New Jersey Department of Environmental Protection (NJDEP) rules, Ms. Grogan said that the Commission is sometimes given the opportunity to comment prior to formal proposals. She said that Mr. Ed Wengrowski, the Commission's Environmental Technologies Coordinator, has been involved with numerous NJDEP stakeholder groups. She also said that the Commission did submit formal comment on the NJDEP's stormwater rules.

Ms. Grogan indicated that there are direct Commission actions in the chart that are needed to respond to NJDEP amendments.

She said that there are smaller amendments that are not complex and will take less time to review. She gave examples of fee amendments, waiver expirations, and clustering modifications.

Ms. Grogan said that some of the amendments on the list were part of formal proposals made in 2017. The then Governor's office removed certain amendments from the proposals so they did not proceed.

Ms. Grogan said that there are large amendments that the Commissioners are focused on and there are procedural issues that take up a considerable amount of staff time.

Commissioner Lohbauer said that having the scoring by staff would be helpful to identify issues. He said that it might influence the Commissioner's priorities. He said that he would like to save staff time.

Commissioner Lloyd echoed Commissioner Lohbauer's comment on staff scoring. He mentioned that the fee amendments and approval expirations were both presented and subsequently declined by the Governor's office.

Ms. Grogan replied that the declined proposals were from the previous administration. She said that the amendments have not been discussed with the current administration.

Chairman Prickett suggested that staff see if the Governor's office would be supportive of the amendments. He mentioned the increased fees for applications involving violations.

Commissioner Lloyd recommended that a list be made of amendments struck by the former Governor and given to Mr. Rodas for input from the current administration.

Ms. Grogan said there is a long list of important issues to be addressed. She said that with so few Commissioners actively participating, there was not much consensus. The lack of staff is also a major constraint. She said that there will be new staff starting near the end of the year to the beginning of next year. She also said that there is potential for new Commissioners and the need to hire a permanent Executive Director.

She said that there is no disagreement with the Commissioners input. She also said that she agrees with the staff ranking. She also said that staff appreciated the list of priorities from the Commissioners.

She said that staff will revisit the priorities but for now will work on the current rulemaking efforts. She said that she suggests continued discussion of the amendment priorities in the spring.

Commissioner Lloyd said that the information was very helpful. He mentioned having five- and ten-year plans and suggested creating a calendar for fiscal year 2022 with a plan for priorities.

Ms. Grogan said that, in the past, a workplan was created for the fiscal year budget. She suggested development of a realistic plan on what amendments can be done in a year, to coincide with preparation of the budget. The staff would then provide updates quarterly.

Commissioner Lohbauer agreed with Commissioner Lloyd. He said that he does not want to burden staff. He remarked that it was good to see the scope of the priorities. He said he would like to be more sensitive to what helps the staff. He also said that a timeline is reasonable and that it gives perspective.

Ms. Grogan said that the staff is excited about the amendment discussion and progress made to date. She said the staff was pleased the Commissioners wanted their input.

Chairman Prickett said that the Commission is aware of changes that are needed. He said that the P&I Committee can discuss the priorities. He said that more material is needed to present to the full Commission. He asked for more participation from the Commissioners. He also said he would like to send a memo with updates to the Commission and to ask for input.

Commissioner Lloyd said there is more work to be done. He said that a one-year plan needs to be created before presenting the information to the Commission.

Chairman Prickett replied that he would like to send a preliminary letter. He suggested to continue the subject to the next meeting.

Ms. Grogan informed Chairman Prickett that the January 2022 meeting has a full agenda. She recommended to move the subject to the March or April meeting. She said that would give time to reevaluate our abilities with the anticipated addition to the staff.

She said that staff will continue to work with the three amendments that are currently under review.

Commissioner Lohbauer suggested that priorities be set for the next fiscal year. He said the Climate Committee is working on amendments to present next month. He said that more reporting is needed to give priority to climate-related amendments.

Commissioner Irick commended the staff for their list of priorities. He said that the amendments that are ready should be moved forward. He mentioned contacting the Governor's Office to seek support for the prepared drafts.

Chairman Prickett, Commissioners Lohbauer and Lloyd expressed their agreement with Commissioner Irick's comment.

Commissioner Avery commented that the staff priorities were interesting. He said that he is not familiar with issues in the clustering rules. He asked about the status of the amendments.

Ms. Grogan replied that the amendments are not completely written. She said that analysis has been completed and stakeholder input has been collected.

Commissioner Avery remarked that it is a lot of work for municipalities to pass ordinances. He suggested to bundle some of the amendments for their ordinances. He said that clustering would need an ordinance.

He said that solar facilities on landfills needs amendments and an ordinance. He suggested to bundle those amendments with the stormwater amendments. He mentioned the increased interest in solar.

Ms. Grogan replied that bundling the ordinances is important. She said that small amendments are not worth the time and effort to do on their own. She said that for the stormwater rules, model ordinances will be drafted in early 2022. She indicated that the stormwater ordinances need to be separate as they are not typical land use ordinances.

Commissioner Avery expressed appreciation to staff for their work. He commented that getting eight votes for something is not easy with only eleven Commissioners.

Chairman Prickett said that he hopes for universal support for the stormwater amendments. He remarked that it would be great if small amendments could be put in. He also said that if that is not possible, then it will be revisited in the spring.

Ms. Grogan indicated that more information was sent out on the subject of environmental justice.

Mr. Lanute gave a presentation on overburdened communities (*attached to these minutes and on the Commission's website at: <https://nj.gov/pinelands/home/presentations/2021.11.19%20-%20PI%20-%20Pinelands%20OBCs.pdf>*).

Mr. Lanute said that during the last meeting Ms. Grogan mentioned the need for staff to work with NJDEP to identify the effect the environmental justice measures may have on the Pinelands Area.

Mr. Lanute explained the Executive Order and New Jersey Environmental Justice Law. He said that NJDEP is in the rulemaking process to implement the law.

Mr. Lanute said that a map was created to show how the information relates to the Pinelands Area. He explained the criteria that designate an area as overburdened (low-income, minority, English language proficiency). He said that if an area met any one of the criteria, it received the designation.

He explained the eight types of facilities affected by the law. He mentioned that there is a low likelihood of any such new facilities being approved in the Pinelands Area because of existing CMP rules. He said that existing facilities may need to address the new law during the permit renewal process.

Mr. Lanute said that the first map was created by NJDEP and the second map was created by Commission staff. He indicated that NJDEP GIS data was used for the map. He said that the second map highlights sections in the Pinelands Area and Pinelands National Reserve.

He notified the Committee that the census blocks are larger in rural areas due to spatial measurement. He also said that it is not updated with 2020 census data. He also noted that the legend for the second map has less criteria. He said that there were no census blocks in the Pinelands Area with limited English proficiency.

Mr. Lanute outlined the number of acres designated as overburdened in each Pinelands Management Area. He said that there is a large number of acres in the Forest Area because of how the census blocks are delineated. He said that it is not reflective of the size (population) of the community.

Commissioner Lloyd asked if a list of existing facilities in the Pinelands Area could be generated. He commented that census tracts skew info.

Ms. Grogan said that generating such a list should be relatively easy for most of the facilities on the list. She said, for example, there is only one operating landfill in the Pinelands Area.

In response to Commissioner Avery's question, Ms. Grogan indicated that the Fort Dix landfill is closed and has a solar facility on it.

Commissioner Lohbauer remarked that a closed landfill facility should also be recognized because it may still create a burden for a community.

Ms. Grogan said that there are many existing, closed landfills in the Pinelands. She mentioned that there is no intention to re-open those sites and the CMP would not allow it. She said that some are having impacts on surrounding areas. She said that she is unsure if the law addresses the closed facilities.

Ms. Roth said that the law provides an opportunity for overburdened communities to be involved in the siting and expansion of those facilities.

Chairman Prickett mentioned the Pinelands Infrastructure Trust Fund (PITF) infrastructure grants. He indicated that Pemberton Township is one of the areas highlighted in green as an overburdened community. He said that the Commission awarded a PITF grant for a water system. He suggested that the overburdened community criteria should be added to the list of priorities when evaluating future PITF grant requests.

Ms. Grogan said that the project ranking criteria have been based on new development potential and the use of PDCs. She mentioned the possibility of adding criteria. She said the focus is to encourage new development in the Regional Growth Area.

Chairman Prickett mentioned that there is a closed landfill within a mile from the water system project in Pemberton Township.

Ms. Grogan said that in regard to rulemaking such as for environmental justice, when there are orders and laws that affect the NJDEP permitting process, they embark on an extensive stakeholder process. She said that is an effort that the Commission has not been involved in to date, nor have they been invited to participate.

She said that while this may not result in rulemaking for the Commission, it would be good if the Commission was involved in NJDEP's efforts. She offered to invite NJDEP to make a presentation if the Commissioners would like more information on their environmental justice rulemaking.

Chairman Prickett remarked about the Commission being invited to participate for climate change rulemaking.

Commissioner Lloyd asked if NJDEP has a docket for their rulemaking. Ms. Grogan replied that there is a notification system by email for rule proposals. She said that those notifications are sent out closer to when NJDEP is ready to publish the rule, and that limits the Commission's ability to provide comment.

Commissioner Avery said that the environmental justice law is important. He said an effort should be made to put something in the CMP to address the law. He said it doesn't need to be extensive as the burden is on the NJDEP to implement the law.

Ms. Grogan said that, for example, there are no rules in the CMP for affordable housing. She said that staff developed standard language to be included in various Commission documents reminding applicants of the Council On Affordable Housing's regulations and other statutory requirements. She also said that for public development applications, there is a standard condition that applicants must obtain all other necessary state and local permits. She said language could also be created for applications involving the types of facilities that relate to the environmental justice law.

Mr. Horner arrived at 10:50 a.m.

Commissioner Avery commented that there should still be some sort of reference in the CMP.

6. Public Comment

Andrew Gold from the Pinelands Preservation Alliance (PPA) thanked the Committee and Commission staff for prioritizing the amendments and for their diligence. He expressed disappointment in the lack of Commissioner feedback. He urged the Committee to consider the Kirkwood-Cohansey aquifer rules as a priority. He thanked Mr. Lanute for the presentation on environmental justice. He encouraged the Committee to think creatively and beyond what the environmental justice law addressed, which is mostly industrial and that it may look different in the Pinelands. He also said that PPA recommended NJDEP include consideration of open space in its rulemaking effort, particularly the impacts the loss of open space may have on overburdened communities. He suggested the Commission do the same.

Fred Akers from the Great Egg Harbor Watershed Committee thanked the Commission staff for the environmental justice presentation. He said that he downloaded the NJDEP info for the Egg Harbor watershed. He said that a lot seems to be based on air pollution. He mentioned that he saw a traffic safety presentation in regard to funding improvements for pedestrians. He also said he attended a Water Fund Coalition meeting that will target open space monies for environmental justice causes. He recalled that the Commission's plan review was every five years. He said that with amendment priorities now being identified every year and on an ongoing basis, that takes more time and effort.

Agnes Marsala thanked the Commission and staff for their work. She said it is not easy. She said that she agrees with the staff priority on clustering development and expiration of approvals. She said that developers are giving large sums of money to municipalities to develop land that is protected. She said that even one approved facility could lead to more lost acres. She said that the terms environmental justice and overburdened communities do not include rural areas so much. She said that because there are few people, they have little to no voice in the political

process. She said that the Southern Reliability Link (SRL) should be looked at for environmental justice. She urged the Commission to act on behalf of people in rural areas when it comes to environmental justice. She also urged the Commission to promote infrastructure that works with the natural world and takes climate change into account. She also said the Commission should act before the NJDEP to enact aquifer rules. She recommends more regulation or a ban on horizontal directional drilling in the Pinelands. She mentioned the spills from the construction of the SRL. She said that an inadvertent return rate of 50% seems to be an accepted cost of doing business. She said the cost is too high for such a sensitive area.

Georgina Shanley said that she agreed with Ms. Marsala. She expressed her gratitude to the Commission for its efforts to protect the Pinelands. She said she is disappointed in the amount of Commissioner response for the rulemaking priorities. She said it shows a lack of interest and makes it more important to fill the vacant Commissioner seats. She asked that if a letter is sent to the Governor that it should request the vacancies to be filled and to have a representative from the Department of the Interior. She said that things cannot move forward until there is a full Commission. She said the amendments could take until 2025 and with the climate crisis and with the world burning, it seems like a long time before anything significant can be done. She reiterated Ms. Marsala's sentiment on the spills from the construction of the SRL. She asked if any laws could be fast-tracked to address the climate crisis either through the Governor's power or power of the Commissioner. She reiterated the need for more Commissioners and to fast-track rules. She remarked that it seems that everyone is sitting around waiting for the Pinelands to be finished and barren. She said she is happy to see that environmental justice is becoming a part of it. She said she would like to see the Commission take a leadership role and not wait for NJDEP.

Chairman Prickett closed public comment at 11:05 a.m.

There being no further discussion, Commissioner Lohbauer moved the closing of the meeting. Commissioner Avery seconded the motion. The meeting concluded at 11:06 a.m.

Certified as true and correct

A handwritten signature in black ink, appearing to read 'Dawn Holgersen', with a long horizontal flourish extending to the right.

Dawn Holgersen
Office Assistant
January 20, 2021



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Issuing an Order to Certify Ordinance 2021-10, Amending Chapter XVII (Zoning) of the Code of Tabernacle Township

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on September 6, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Tabernacle Township; and

WHEREAS, Resolution #PC4-85-51 of the Pinelands Commission specified that any amendment to Tabernacle Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-85-51 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on December 6, 2021, Tabernacle Township adopted Ordinance 2021-10, amending Chapter XVII (Zoning) of the Township's Code by rezoning nine lots from the Infill Commercial District to the Infill Residential District and one lot from the Infill Commercial District to the Preservation Area District; and

WHEREAS, Ordinance 2021-10 also establishes solar energy facilities as a permitted use in the Preservation Area District and adopts affiliated use standards; and

WHEREAS, the Pinelands Commission received an adopted copy of Ordinance 2021-10 on December 28, 2021; and

WHEREAS, by letter dated December 30, 2021, the Acting Executive Director notified the Township that Ordinance 2021-10 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2021-10 was duly advertised, noticed and remotely held on February 9, 2022 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Acting Executive Director has found that Ordinance 2021-10 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2021-10, amending Chapter XVII (Zoning) of the Code of Tabernacle Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 2021-10 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2021-10 and has reviewed the Acting Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 2021-10, amending Chapter XVII (Zoning) of the Code of Tabernacle Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery					Jannarone					Meade				
Christy					Lettman					Pikolycky				
Higginbotham					Lloyd					Quinn				
Holroyd					Lohbauer					Matos				
Irick					McCurry									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Laura E. Matos
 Chair



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General Information: Info@pinelands.nj.gov
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LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Acting Executive Director

**REPORT ON ORDINANCE 2021-10, AMENDING CHAPTER XVII (ZONING)
 OF THE CODE OF TABERNAACLE TOWNSHIP**

February 25, 2022

Tabernacle Township
 163 Carranza Road
 Tabernacle, NJ 08088

FINDINGS OF FACT

I. Background

The Township of Tabernacle is located in the central portion of the Pinelands Area in Burlington County. Pinelands municipalities abutting Tabernacle Township include the Townships of Medford, Shamong, Southampton, Washington and Woodland, all of which are located in Burlington County.

On September 6, 1985, the Pinelands Commission fully certified the Master Plan and Land Development Ordinances of Tabernacle Township.

On December 6, 2021, Tabernacle Township adopted Ordinance 2021-10, amending Chapter XVII (Zoning) of the Township’s Code by rezoning nine lots from the Infill Commercial District to the Infill Residential District and one lot from the Infill Commercial District to the Preservation Area District. The ordinance also establishes solar energy facilities as a permitted use in the Preservation Area District and adopts related use standards. The Pinelands Commission received an adopted copy of Ordinance 2021-10 on December 28, 2021.

By letter dated December 30, 2021, the Acting Executive Director notified the Township that Ordinance 2021-10 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 2021-10, amending Chapter XVII (Zoning) of the Code of Tabernacle Township, introduced on October 25, 2021, and adopted on December 6, 2021.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan (CMP). The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

Zoning Plan Amendments

Ordinance 2021-10 rezones ten contiguous lots, approximately 73 acres, bounded by Forked Neck Road, Carranza Road, and Tuckerton Road (see Exhibit A). The entirety of the area is currently zoned Infill Commercial (IC) District and located in the Preservation Area District (PAD) management area. The IC District permits single family dwelling units on lots of record as of February 7, 1979 that contain at least one acre. The IC District also permits retail uses, commercial services, agricultural processing facilities, and light industrial uses on existing lots of record. The zoning changes adopted by the Ordinance 2021-10 effectively eliminate the Township's IC District in its entirety.

Nine lots (Block 1401, Lots 1, 2, 4, 5, 6.01, 6.02, 6.03, 6.04, 7), totaling approximately 14 acres, are rezoned to the Infill Residential (IR) District. The lots range in area from 0.06 acres to 6.34 acres. Four lots contain single family residential units, one lot contains a hunting club, and the remaining four lots are vacant. The IR District is an existing municipal zone within the PAD management area. It permits single family dwelling units on lots of record as of February 7, 1979 that contain at least one acre. The rezoning from IC to IR eliminates the potential development of non-residential uses otherwise permitted in the IC District. Three of the four vacant lots contain at least one acre and will continue to have the potential to develop a single-family dwelling unit provided all other CMP environmental standards are met.

The remaining lot (Block 1401, Lot 3), approximately 59 acres, is rezoned to the Township's Preservation Area (PA) District. The lot is the site of a resource extraction operation predating the CMP that continued to renew resource extraction permits in accordance with the CMP. The PA District is an existing municipal zone within the PAD management area. It permits a limited number of uses consistent with the CMP, including forestry, berry agriculture, low-intensity recreational uses, and the continuation of existing resource extraction operations.

Solar Energy Facilities

Ordinance 2021-10 expands the permitted uses in the PA District to include solar energy facilities on the parcel of a resource extraction operation. The ordinance then adopts a series of standards to govern the development of such facilities, some of which are required by the CMP and some of which are additional standards important to the municipality.

Regarding standards required by the CMP, Ordinance 2021-10 limits the siting of solar energy facilities to previously mined areas that have not yet been restored. The acquisition and

redemption of 0.25 Pinelands Development Credits (PDC) is required for every four acres of land occupied by the solar energy facility, inclusive of any required firebreak. Solar facilities and any off-site infrastructure must be located and screened to minimize visual impacts to: publicly dedicated roads and highways; existing residential dwellings on contiguous parcels; wild and scenic rivers and special scenic corridors listed in the CMP; and low-intensity recreational facilities and campgrounds. Clearing related to on-site or off-site infrastructure serving the solar energy facility is limited to that which is necessary for its operation and must avoid, where practical, wooded areas. New rights-of-way associated with infrastructure are limited to a maximum width of 20 feet unless additional width is necessary to address specific safety or reliability concerns. The area beneath the solar energy facility, within the firebreak, and any required vegetative buffers must be vegetated consistent with the CMP's vegetation standards (N.J.A.C. 7:50-6.21 et seq.). Lastly, solar energy facilities are required to be decommissioned within 12 months of the cessation of their utilization including the removal of all energy facilities, structures, and equipment and the restoration of the parcel in accordance with the CMP. Therefore, once the solar energy facility is decommissioned, the parcel will be fully restored.

Regarding additional standards not required by the CMP, Ordinance 2021-10 limits the extent of any solar energy facility to a maximum of 25 acres, inclusive of any required fire break. The remainder of the parcel must be permanently preserved through deed restriction. Future use of the deed restricted area must be limited to berry agriculture, horticulture of native Pinelands plants, forestry, beekeeping, fish and wildlife management, and low intensity recreational uses. No maintenance or removal of trees is permitted to be performed in the deed restricted area as part of the construction or operation of the solar energy facility. Solar panels and inverters must be setback a minimum of 100 feet and 150 feet from the property line, respectively. Solar facilities must also be enclosed by a fence between 7 and 9 feet in height and surrounded by a 50-foot fire break.

A review of the Commission's records indicates that one of the lots rezoned by Ordinance 2021-10 (Block 1401, Lot 3) is the only resource extraction site in Tabernacle Township's PAD that received permits to continue extraction after 1981. Commission staff are not aware of any other resource extraction sites in the PAD management area. Therefore, Ordinance 2021-10 likely provides an opportunity for the development of only one new solar energy facility in the Township's PA District.

The CMP permits the siting of solar energy facilities in the PAD management area on the parcel of a resource extraction operation, provided the facility is limited to previously mined areas not under an obligation to be restored (N.J.A.C. 7:50-5.36(b)). This restoration obligation applies to resource extraction operations within the Pinelands Area active on or after January 14, 1981 upon the cessation of mining activities. The resource extraction operation located on Block 1401, Lot 3 is under such a restoration obligation, which eliminates the parcel's eligibility for development of a solar energy facility based on the standards set forth at N.J.A.C. 7:50-5.36(b).

The Township has elected to provide an opportunity to site a solar facility on this parcel by allowing lands to be used that would normally be ineligible due to the mining restoration obligation. This does not automatically render Ordinance 2021-10 inconsistent with the CMP. Pinelands municipalities have the ability to refine the various standards and provisions of the CMP and tailor them to local conditions, provided CMP goals and objectives continue to be achieved. In this case, Tabernacle Township has chosen to adopt an ordinance that provides a

greater opportunity for development of solar energy facilities while at the same time curtailing other nonresidential development potential in the PAD and correcting a long-standing zoning inconsistency with the CMP. As detailed above, the Township's ordinance also incorporates all other CMP solar energy facility standards (N.J.A.C. 7:50-5.36) and includes additional standards that go beyond what the CMP requires.

A strict interpretation of the CMP would not permit a principal solar energy facility on Block 1401, Lot 3. However, the wide range of nonresidential uses that are permitted on this parcel and in the remainder of the IC District under the Township's currently certified zoning plan must be taken into consideration. As noted above, the IC District permits retail uses, commercial services, agricultural processing facilities, and light industrial uses. None of these uses are permitted in the Preservation Area District and none will be permitted following the rezoning adopted by Ordinance 2021-10. The IC District was certified by the Pinelands Commission in 1985 during the Township's initial certification process. At that time, the CMP did not expressly permit the creation of infill areas in the PAD management area. However, in a limited number of municipalities, the Pinelands Commission allowed for the creation of infill areas through the municipal conformance process, as a way of recognizing existing development and lot tenure patterns within the PAD management area. The CMP was subsequently amended in 1987 to provide municipalities with the option of establishing infill residential and commercial districts provided that certain criteria were met (N.J.A.C. 7:50-5.22(b)7).

As it currently exists, Tabernacle Township's IC District does not meet CMP standards for the establishment of a commercial infill district. The CMP specifies that infill area boundaries are to be drawn so as to include existing developed areas and exclude extensive amounts of adjoining vacant land. Including the entirety of a 59-acre parcel would not be permitted. Furthermore, although the CMP does provide municipalities with the ability to permit commercial uses within their infill areas, such uses must be limited to those specific portions of an infill area that are predominantly occupied by existing commercial uses. Given the lack of commercial uses in the vicinity of Tabernacle's IC District, a commercial infill district would not be permitted. However, the Commission certified the IC District in 1985 prior to the adoption of these standards, and this 59-acre parcel has continued to have significant commercial development potential since that time. This commercial development potential has discouraged full restoration of the parcel as the landowner has pursued a variety of development proposals for the parcel based on the permitted uses in the IC District.

Elimination of the IC District and rezoning the 59-acre parcel to the PA District resolves a long-standing infill zone that was not consistent with the CMP's infill area standards. The zoning change eliminates the commercial development potential previously associated with these lands. Coupled with the land preservation requirements adopted by Ordinance 2021-10 for solar energy facilities, and the restoration requirements that will be triggered when any solar facility ceases to be utilized, the CMP's goals for the PAD and the development of solar energy facilities are met. Ordinance 2021-10 represents an appropriate exercise of municipal flexibility, one that meets the objectives of the CMP.

Ordinance 2021-10 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

In accordance with N.J.A.C. 7:50-5.36(b)3, solar energy facilities located within the PAD management area must acquire and redeem 0.25 Pinelands Development Credits (PDC) for every four acres of land occupied by the solar energy facility, unless the solar energy facility is proposed as part of a comprehensive application for landfill closure or site remediation. Ordinance 2021-10 establishes solar energy facilities as a permitted use in the Township's PA District and incorporates this PDC requirement.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2021-10 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 2021-10 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Four of the lots being rezoned by Ordinance 2021-10 (Block 1401, Lots 1, 3, 6.02, 7) are adjacent to the Township's border with Shamong Township. The adjacent lands in Shamong Township are located in the PAD management area. Lots 1 and 7 in Tabernacle Township contain existing uses (a hunting club and a single-family dwelling), while lot 6.02 is vacant and would be limited in the future to the development of a single-family dwelling unit. Lot 3 contains the greatest development potential given its size, but the ordinance eliminates a number of intensive uses that could have posed significant intermunicipal conflict. While the ordinance would enable the development of a solar energy facility on this site, a number of ordinance standards described above related to setbacks, vegetative buffers and land preservation should mitigate any significant intermunicipal conflicts. Therefore, this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Tabernacle Township's application for certification of Ordinance 2021-10 was duly advertised, noticed and held on February 9, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 2021-10 were accepted through February 11, 2022. Comment was received from the following individual:

- Rhyan Grech, Policy Advocate, Pinelands Preservation Alliance (see Exhibit B)

ACTING EXECUTIVE DIRECTOR'S RESPONSE

Ms. Grech has correctly noted that the provisions of Ordinance 2021-10 conflict with the CMP's solar energy facility provisions. Section 2 of this report fully reflects that fact. The Acting Executive Director agrees that the standards adopted by Ordinance 2021-10 do not match what a strict interpretation of what the CMP would call for. However, the CMP does provide municipalities with the ability to structure their zoning plans in a way that recognizes municipal objectives and local circumstances while still achieving the overall objectives of the CMP.

Ms. Grech is also correct to identify the resource extraction operation being rezoned as a motivating factor for the Township's adoption of this ordinance. It may well be that although the ordinance theoretically affects all properties in the PA District, it primarily benefits one private property owner. Given the unique circumstances of that property, this is not necessarily an inappropriate result. In addition, although a new opportunity for development of solar energy facilities is being provided, existing opportunities for development of a much broader range of commercial uses are being eliminated. The elimination of the IC District and its significant commercial development potential must be considered when evaluating the impacts of Ordinance 2021-10. The Township's IC District has been of significant concern to Commission staff for many years because of the wide variety of intensive commercial uses that could have been developed on the 59-acre parcel. The Commission amended the CMP many years ago to avoid future instances of such permissive infill zones being established in the Preservation Area District. Ordinance 2021-10 may provide a benefit to one property owner by facilitating development of a solar energy facility, but it also benefits the Pinelands Preservation Area District as a whole by implementing additional land preservation requirements and eliminating the potential for commercial uses incompatible with CMP goals for this most environmentally sensitive management area.

Ms. Grech is also correct in noting that the resource extraction operation on Block 1401, Lot 6.02 is under a restoration obligation that has not been completed. However, we disagree that this ordinance would waive the restoration obligation for this parcel. In fact, the ordinance eliminates the existing commercial development potential that has for decades served to disincentivize full restoration of the parcel. If a solar energy facility is developed on this site, the ordinance offers far greater protection than under the current zoning. It would at minimum require the permanent preservation of 34 acres on the site. Furthermore, the restoration requirements included in the ordinance as part of the decommissioning of a solar energy facility provide additional restoration obligations on top of those associated with resource extraction. In sum, we expect that the ordinance will garner greater likelihood of the site being fully restored in the future.

CONCLUSION

Based on the Findings of Fact provided above, the Acting Executive Director has concluded that Ordinance 2021-10 complies with the Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Ordinance 2021-10 of Tabernacle Township.

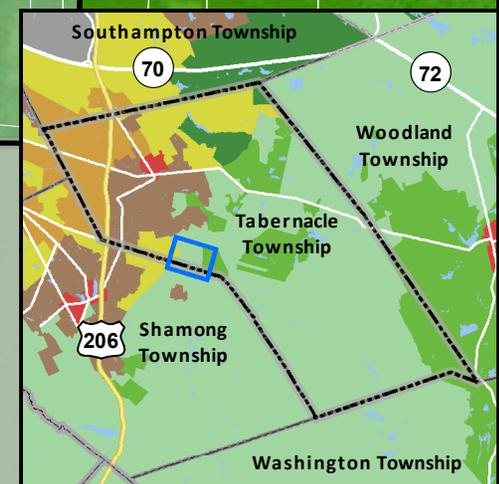
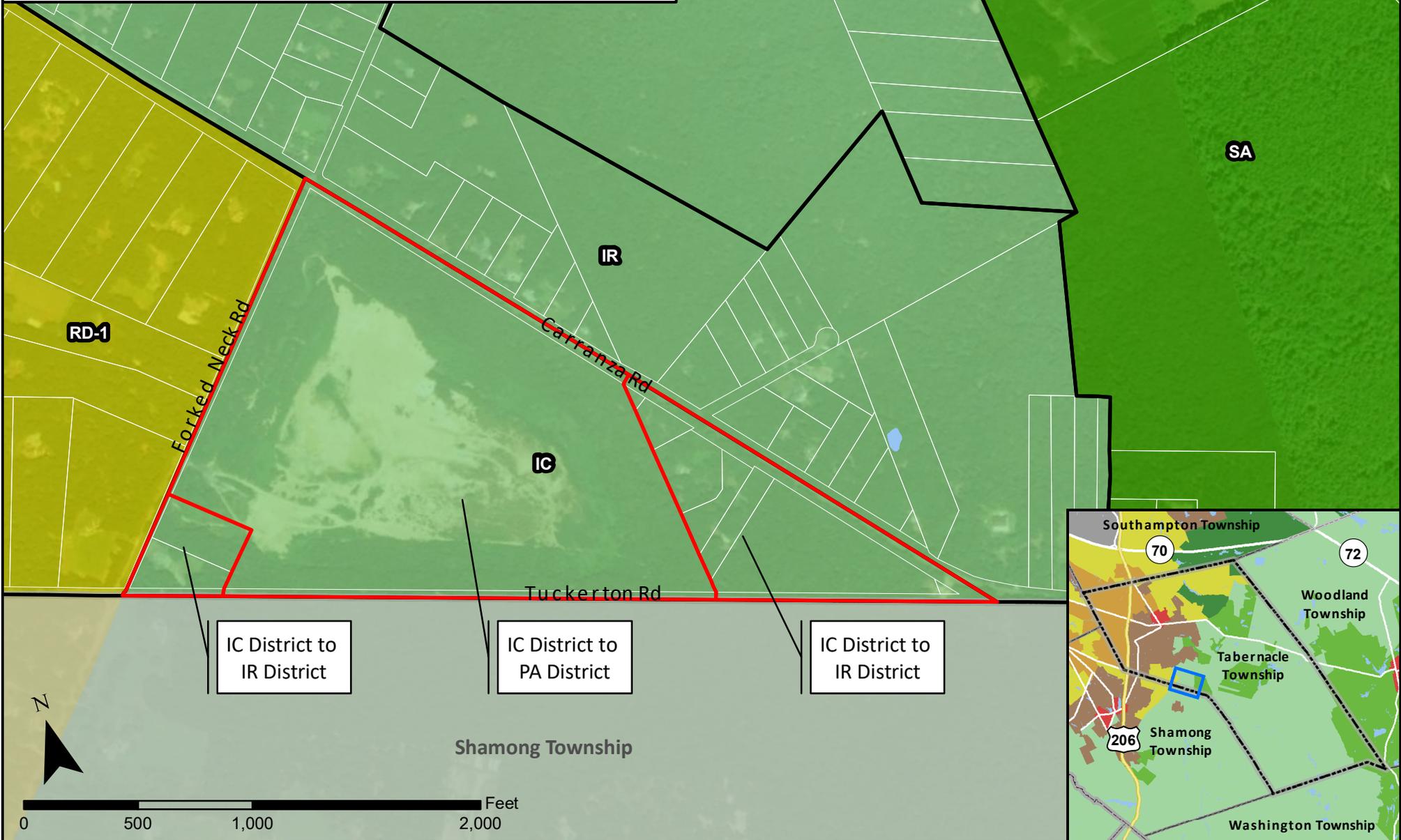
SRG/DBL/CTA
Attachments

Tabernacle Township Ordinance 2021-10

Executive Director's Report
Tabernacle Ordinance 2021-10
Exhibit A
2/25/2022

Pinelands Management Areas

-  Preservation Area District
-  Special Ag Production Area
-  Rural Development Area
-  Proposed Zoning Changes
-  Existing Zoning
-  Tabernacle Twp Lots





PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

February 11, 2022

Susan Grogan, Acting Executive Director
New Jersey Pinelands Commission
15 Springfield Rd
New Lisbon, NJ 08068

Re: Tabernacle Township Ordinance No. 2021-10

Dear Director Grogan,

I am writing on behalf of Pinelands Preservation Alliance with comments on ordinance 2021-10 adopted by Tabernacle Township, which enacted zoning changes and addressed solar facilities on the affected parcels. The ordinance as written is not in compliance with the Pinelands Comprehensive Management Plan (CMP).

The ordinance states that in the Preservation Area, a solar energy facility is permitted on a parcel previously used by a resource extraction operation if “[t]he facility shall be limited to those portions of the parcel comprised of previously mined areas **that have not subsequently been restored**” (emphasis added). By contrast, the CMP states that solar is only permitted “[o]n the parcel of a resource extraction operation, provided the facility is limited to those portions of the parcel comprised of previously mined areas **that are not under an obligation to be restored** pursuant to N.J.A.C. 7:50-6, Part VI” (emphasis added). These are two different standards that may be in conflict with one another, and the Tabernacle parcel in question is one of those examples.

As reported by the [Pine Barrens Tribune](#)¹, the current restoration obligations of the resource extraction facility have not been met. The Tabernacle Township engineer, Joseph Gray of CME Associates, confirmed that five remediation actions have not taken place, including “regrading of the pit and berm walls in accordance with approved plans (restore tire tracks; seed and stabilize berm walls), installing plantings (on berm walls) as shown on approved plans [from 2003], installing berm blocks as shown on approved plans (to prevent access from any additional roads that lead into the mine area), removing all facilities and equipment (a weigh station is said to be the lone remaining building), ... as well as all unstable areas need to be stabilized.”

If allowed to move forward, this ordinance would serve to not only waive the restoration requirement of the CMP for this particular entity with no further obligations, but also to financially reward the failure to meet those requirements by allowing the construction of a new, revenue-generating facility.

¹ <https://pinebarrentribune.com/zoning-changes-approved-that-allow-for-solar-project-at-gravel-pit-in-taber-p4528-165.htm?fbclid=IwAR3nntk5UdbNR9Q7KqPluWGz30x0WqcTZ1KfJooVYd5FOB21YsRSq67drT0>

The sole motivator of this ordinance is clearly a proposed solar development by CS Energy, which has already submitted application materials to the Pinelands Commission. Zoning changes to benefit one particular non-conforming development are not appropriate, especially if those changes directly benefit and reward a landowner for their violation of Pinelands regulations. I urge the Commission to reject this ordinance.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Rhyon Grech". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rhyon Grech
Policy Advocate



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Expressing the Pinelands Commission's Gratitude for the Restoration of Payment in Lieu of Taxes Funding to Pinelands Municipalities in Fiscal Year 2022 and Supporting the Pinelands Municipal Council's Request for Continued Funding in Future Fiscal Years

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Protection Act of 1979 recognized the Pinelands Area as an area comprised of significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources, among them pine-oak forests, cedar swamps and extensive surface and ground water resources of high quality that provide unique habitat for a wide diversity of rare plant and animal species; and

WHEREAS, to ensure protection of the Pinelands Area from the threat posed by development pressure, the Pinelands Protection Act directed the Pinelands Commission to adopt a comprehensive management plan designed to protect, preserve and enhance the significant values of the resources of the Pinelands Area; and

WHEREAS, through its implementation of the Comprehensive Management Plan, the Pinelands Commission has successfully safeguarded the core of the Pinelands Area while channeling growth toward designated areas with the infrastructure needed to support it; and

WHEREAS, the success of the Pinelands Comprehensive Management Plan is enhanced by land acquisition and preservation that permanently protects the resources of the Pinelands, supports appropriate growth, and prevents piecemeal and scattered development; and

WHEREAS, municipalities within the Pinelands are uniquely characterized by higher rates of land preservation and more land in conservation-oriented zoning districts than non-Pinelands municipalities; and

WHEREAS, as of June 30, 2021, 51% of the Pinelands Area (480,500 acres) has been permanently protected through a variety of state, county, municipal and private efforts; and

WHEREAS, the Pinelands Commission supports continued land preservation efforts in the Pinelands Area while also recognizing the need to maintain vibrant and diverse communities through strong, stable municipal financial structures; and

WHEREAS, the Payment in Lieu of Taxes (PILOT) program was established on June 30, 1999 through adoption of the Garden State Preservation Trust Act and was renewed in 2010; and

WHEREAS, the PILOT program recognized the unique municipal budget challenges of municipalities that host significant areas land preservation by extending payments in lieu of taxes so that these municipalities do not suffer a loss of tax revenue due to state acquisition of lands; and

WHEREAS, the PILOT program has been an important component of municipal revenue where future growth is limited by the State's permanent land preservation efforts; and

WHEREAS, for State Fiscal Year 2022, Governor Murphy and the Legislature of the State of New Jersey fully restored funding of the PILOT program; and

WHEREAS, at its January 26, 2022 meeting, the Pinelands Municipal Council adopted Resolution 2022-01 to express its gratitude for the restored PILOT funding and request that the Governor and State Legislature continue full funding under the Garden State Preservation Trust Act in future fiscal years; and

WHEREAS, the Pinelands Commission wishes to join the Pinelands Municipal Council in expressing its thanks to the Governor and Legislature for restoring PILOT funding to Pinelands municipalities; and

WHEREAS, the Pinelands Commission also supports full funding of the PILOT program in future fiscal years as a means to enhance land preservation efforts in the Pinelands Area and to sustain Pinelands municipalities that host significant areas of preserved land; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. The Pinelands Commission hereby expresses its gratitude for the Governor’s and State Legislature’s support of Pinelands municipalities and land preservation efforts through the reinstatement of PILOT program funding for Fiscal Year 2022.
2. The Pinelands Commission hereby joins the Pinelands Municipal Council in requesting that the PILOT Program continue to be fully funded in the State’s Fiscal Year 2023 budget and beyond.
3. The Executive Director shall forward a copy of this resolution to the Governor, members of the State Legislature and the Pinelands Municipal Council.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery					Jannarone					Meade				
Christy					Lettman					Pikolycky				
Higginbotham					Lloyd					Quinn				
Holroyd					Lohbauer					Matos				
Irick					McCurry									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair

PINELANDS MUNICIPAL COUNCIL

RESOLUTION 2022-01

**EXPRESSING GRATITUDE TO GOVERNOR AND
LEGISLATURE OF THE STATE OF NEW JERSEY
FOR FULLY FUNDING PILOT PAYMENTS UNDER
THE GARDEN STATE PRESERVATION TRUST ACT**

WHEREAS, the Pinelands Municipal Council serves as a sounding board among fifty-three (53) municipalities within the State-designated Pinelands area, and is charged with the responsibility of addressing issues affecting the Pinelands and Pinelands municipalities; and

WHEREAS, the Garden State Preservation Trust Act was signed into law on June 30th, 1999 and extended payments in lieu of taxes to municipalities in which lands are purchased or held by the State or conservancies for recreational or conservational purposes by constitutionally-dedicated money, so that municipalities do not suffer a loss of taxes due to state acquisition of lands; and

WHEREAS, the New Jersey Pinelands is a unique ecological and cultural area with extensive wetlands, vast oak-pine forest and diverse species of plants and animals; and

WHEREAS, the natural resources within the Pinelands are a treasure to be enjoyed by all citizens of New Jersey and the cost to protect and preserve this region are for the greater good of the entire state and should not be borne upon the local municipalities and their residents solely; and

WHEREAS, many of the most impacted municipalities are small, rural towns where the potential for ratable growth is severely limited by Pinelands regulations and by substantial loss of taxable lands to State ownership; and

WHEREAS, Governor Christie and the Legislature, in 2010, reduced this constitutionally-dedicated funding by one-third under the auspices of meeting budgetary constraints, which reductions have remained in place for a decade; and

WHEREAS, Municipalities have unfairly borne the additional costs of preservation for the entire state, and as additional State acquisitions have added to these costs by depleting the tax base of these municipalities, the impact of these costs have escalated; and

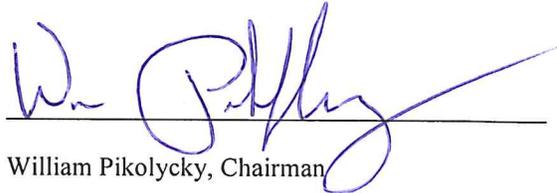
WHEREAS, in 2021, Governor Murphy and the Legislature of the State of New Jersey fully restored the funding to the municipalities and municipal budgets; and

WHEREAS, the restoration of this funding has a significant, positive impact on the municipalities of the Pinelands Municipal Council.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Pinelands Municipal Council expresses its sincere gratitude to Governor Murphy and the Legislature of the State of New Jersey for the restoration of the entirety of the funding promised to the municipalities through the constitutionally-dedicated money, which serves as a significant source of funding for municipalities bearing the burden of substantial lands in State and conservation ownership, to the benefit of all residents of the State.

BE IT FURTHER RESOLVED that the Pinelands Municipal Council respectfully requests and encourages the Governor and Legislature to continue the full funding of the payments in lieu under the Garden State Preservation Trust Act in 2022 and going forward.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Pinelands Municipal Council held on the 26th day of January, 2022.


William Pikolycky, Chairman


Karen Vacarro, Secretary