

Disclaimer

These minutes reflect the actions taken by the Commission during its July 8, 2022 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 July 13, 2022.

PINELANDS COMMISSION MEETING

MINUTES

July 8, 2022

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=rBG2OmWiHUA>

Commissioners Participating in the Meeting

Alan W. Avery Jr., Dan Christy, John Holroyd, Jerome H. Irick, Jane Jannarone, Theresa Lettman, Ed Lloyd, Mark Lohbauer, Davon McCurry, William Pikolycky and Gary Quinn. Also participating were Acting Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jason Stypinski and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

Laura E. Matos & Jonathan Meade.

Call to Order

Vice Chair Avery called the meeting to order at 9:34 a.m.

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

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

The Commission pledged allegiance to the Flag.

Reorganization

Vice Chair Avery said the Commission elects a Vice Chair every July. He asked for a nomination.

Commissioner Irick made a motion to re-elect Vice Chair Avery. The motion was seconded by Commissioner Pikolycky. All were in favor.

Commissioner Avery will continue to serve as the Commission's Vice Chair.

Vice Chair Avery said Committee assignments will be available at a later date.

Minutes

Vice Chair Avery presented the minutes from the Commission's June 10, 2022 meeting. Commissioner McCurry moved the adoption of the minutes. Commissioner Irick seconded the motion.

The minutes from the June 10, 2022 Commission meeting were adopted by a vote of 10 to 0. Commissioner Quinn abstained.

Public Development Projects and Other Permit Matters

Vice Chair Avery introduced a resolution for the following three public development applications: the construction of an emergency services building in Stafford Township, the construction of a parking lot, the placement of a classroom trailer, and the realignment of a driveway at an elementary school in Pemberton Township and the installation of a sewer main in Galloway Township.

Commissioner Irick made a motion Approving With Conditions Applications for Public Development (Application Numbers 1987-1159.062, 1991-0820.118 & 2009-0213.002) (See Resolution # PC4-22-22). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 11 to 0.

Planning Matters

Vice Chair Avery introduced a resolution certifying an ordinance and adopting a redevelopment plan for Egg Harbor Township.

Commissioner Irick made a motion Issuing an Order to Certify Ordinance 10-2022, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township by Adopting the Timber Ridge Redevelopment Plan (See Resolution # PC4-22-23). Commissioner Holroyd seconded the motion.

The resolution was adopted by a vote of 10 to 0. Commissioner McCurry abstained from the vote.

Vice Chair Avery introduced a resolution certifying a master plan reexamination and amendment and ordinance for Evesham Township.

Commissioner Lloyd made a motion Issuing an Order to Certify the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022, Amending Chapter 160 (Zoning) of the Code of Evesham Township (See Resolution # PC4-22-24). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 10 to 0. Commissioner McCurry abstained from the vote.

Public Comment on Other Resolutions

No one from the public provided comment.

Other Resolutions

Vice Chair Avery introduced a resolution to authorize Acting ED Grogan to proceed with proposal of amendments to the Pinelands Comprehensive Management Plan (CMP) related to the Kirkwood-Cohansey aquifer.

Commissioner Lloyd made a motion To Authorize the Acting Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Water Management) (See Resolution # PC4-22-25). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 11 to 0.

Vice Chair Avery said the next resolution will allow the Commission to continue with its fiscal obligations until the Fiscal Year 2023 budget is adopted by the Commission.

Commissioner Pikolycky made a motion To Authorize the Acting Executive Director to Continue to Expend Funds for Fiscal Year 2023 at the Same Level of Expenditures as Fiscal Year 2022 until the Adoption of the Fiscal Year 2023 Budgets (See Resolution # PC4-22-26). Commissioner Jannarone seconded the motion.

The resolution was adopted by a vote of 11 to 0.

Committee Reports

Vice Chair Avery provided a summary of the June 24, 2022 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the May 27, 2022, meeting.

The Committee was briefed on Egg Harbor Township Ordinance 10-2022, adopting the Timber Ridge Redevelopment Plan. The Committee voted to recommend certification by the full Commission in July and asked that staff convey to the redeveloper and Township that clearing of trees should be minimized.

The Committee also discussed and recommended Evesham Township's 2021 Master Plan Reexamination Report and Ordinance 5-3-2022, adopting a revised Zoning Map. Both the Egg Harbor Township and Evesham Township amendments were approved by the Commission at this morning's meeting.

Acting ED Grogan updated the Committee on the Kirkwood-Cohansey rulemaking process and noted that the Governor's office has given verbal permission for the Commission to propose the new rules. Vice Chair Avery thanked the Governor for his support and noted the Commission just acted on this item.

The Committee was shown a presentation on the staff's work plan for the Pinelands Long-Term Economic Monitoring Program, funded by the National Park Service. Projects for the next fiscal year include the long-term economic monitoring report, a study on the value of parks and open space to the Pinelands economy and the annual Pinelands calendar. A number of cultural resource projects will also be undertaken, including completion of work associated with the Brotherton Reservation excavation, a ground penetrating radar survey of an historic cemetery, an archaeological symposium and development of a cell phone app for the Pine Barrens Byway.

Staff introduced the draft Fiscal Year 23 work plan and asked the Committee to provide input on initiatives to be pursued in the new fiscal year.

Vice Chair Avery provided a summary of the June 14, 2022 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the August 24, 2021 meeting.

The check registers and electronic disbursements were reviewed.

The Committee reviewed and approved the deletion of fixed assets.

The Committee reviewed and recommended approval of a resolution allowing for the continued of expenditure of funds for fiscal year 2023 at the same level as fiscal year 2022, until the Commission's adoption of the FY 23 budgets. Vice Chair Avery said the resolution was adopted by the Commission earlier today.

Staff provided a presentation on application fee revenue for fiscal year 2022. It was noted that FY 22 application fees are more than double the budgeted amount.

The Committee discussed establishing a reserve specifically for capital projects recommended in the Local Government Energy Audit reports, as well as other office improvements, hybrid vehicles and equipment related to climate change.

There was no public comment and the meeting was adjourned at 10:35 a.m.

Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

- The telework pilot program began on July 1. Many staff members have opted to participate in the program, which permits an employee to work remotely two days a week. The pilot program will end on June 30, 2023.
- Two new staff members will be introduced at the August Commission meeting. The Information Systems office welcomed its new hire on July 5th and the new Human Resources Manager will begin on July 11th. Recruitment continues for a vacant position in the Science office and another in the Information Systems office.
- Now that the state budget has been passed and signed by the Governor, it's anticipated that the Commission's FY 23 Budget will be presented to the Commission at its September meeting.
- A \$500,000 special appropriation for Fenwick Manor was included in the state budget, and it will be instrumental in the stabilization, painting and long-term maintenance of the building. Later this year, the Commission will learn if it was awarded a grant for a preservation plan through the New Jersey Historic Trust. Staff will need authorization in the coming months to set up a special account for the funds. A press release will be issued to share this wonderful news.

Commissioner Irick suggested that a thank you letter be sent to the Governor, expressing the Commission's appreciation for the special appropriation.

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

- Staff recently met in the field with the Mayor of Plumsted Township and the Ocean County Soil Conservation District regarding the establishment of a tractor trailer storage yard at the New Egypt Speedway. The Speedway has not applied to the Commission or the Township for the impervious surface that has been placed on the site for the storage yard.
- The New Jersey Department of Environmental Protection (NJDEP) contacted the Commission to schedule a meeting to discuss how to move forward with its two

forestry applications that are currently at the Office of Administrative Law (OAL). The one application is for the use of herbicides at the Bass River Fire Tower and the other application is for a forest fire fuel break along Oswego Road and Allen Road.

Commissioner Lohbauer was placed in a waiting room so Director Horner could provide an update on the Forest Stewardship Task Force.

- In late June, Commission staff attended meetings of two working groups established by the Task Force: the Forestry Climate Work Group and the Forestry Ecological Health Work Group. Commission staff will be drafting forestry policy proposals for the Pinelands Area and sharing them with the P&I Committee.

Commissioner Quinn left the meeting at 9:57 a.m.

Commissioner Lohbauer rejoined the meeting.

Director Horner said staff is working with the Board of Public Utilities (BPU) regarding potential Right of Way (ROW) transmission line improvements to bring offshore wind energy into the Pinelands Area.

Commissioner Lloyd asked how many landfalls or lines are proposed.

Director Horner said right now there are multiple routes proposing to bring energy into the former Oyster Creek Nuclear Generating Station. He added that there is no information suggesting that line would come into the Pinelands Area. He said there is another proposal to bring conduit from the Atlantic City Area through the Pinelands Area and into northern Camden County.

Stacey Roth, Chief, Legal & Legislative Affairs, said the BPU has asked for the Commission's input as to the potential regulatory issues associated with the proposals. She noted that these are not development applications.

Commissioner Irick asked if the Commission has received any feedback from the NJDEP about the recent forest fires.

Director Horner said no, but he suspects that the recent forest fire prompted the NJDEP to reach out to the Commission for a meeting since one of its applications proposed a forest fuel break.

Commissioner Irick said he remains concerned about Horizontal Directional Drilling (HDD). He said he believes HDD is hazardous, especially when proposed through wetlands.

Commissioner McCurry asked about the location of the proposed fuel break in NJDEP's prior application.

Director Horner said the fuel break was proposed along approximately 13 miles of existing sand road in Burlington and Ocean Counties. He said the application included the clearing of 30 feet on each side of the road.

Paul Leakan, Communication Officer, provided an update on the following:

- Registration opened for the 6th annual Pinelands Short Course, which will be held on July 21st.
- The annual Pinelands Orientation for Newly Elected Officials is scheduled for July 26th and will be held in-person and virtually through YouTube.
- During the week of June 27th, a rain garden was installed in front of the Richard J. Sullivan Center. He said money from the Kathleen M. Lynch -van de Sande “Katie” Fund was used to pay for the installation of the garden. He described the benefits of a rain garden and how the project came to fruition. See attached presentation slides.

Commissioner Avery said he remembers getting notified about Katie’s car accident back in 1989. He said this is a very fitting project for all those who have donated to the fund in honor of Katie.

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

Rhyan Grech of the Pinelands Preservation Alliance provided comment on Application #1984-1078.009. She said that she hopes the Commission will ensure the protection of the 10 acres of wetlands and wetlands buffers at the new grassland habitat site by not permitting any development or heavy construction equipment in those areas. She said the Commission granted the South Jersey Transportation Authority an extension in January 2022. She inquired about the status of the creation of the frosted elfin butterfly habitat at the airport and the status of the conservation deed restriction for the new grassland habitat. Ms. Grech questioned whether the threatened and endangered species have been afforded the required equivalent level of protection, since the MOA was signed in April of 2019.

Acting ED Grogan said the public development report will address the status of the MOA.

Ordinances Not Requiring Commission Action

Vice Chair Avery read the list of Ordinances:

- Shamong Township Ordinances 2021-6, 2022-6 & 2022-7
- Woodland Township Ordinance 2022-4

Commissioners did not raise any questions.

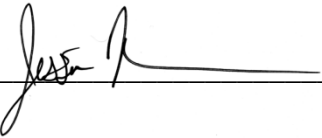
General Public Comment

Carleton Montgomery of the Pinelands Preservation Alliance said he is pleased to see the Kirkwood-Cohansey rules finally moving forward. He said it should not have taken so long to get to this point. He said he hopes there aren't plans for a new right of way (ROW) through the Pinelands. He said there are enough existing ROWs in the Pinelands. Lastly, he said Rhyan Grech is leaving PPA to begin an Oceanography degree program at Rutgers.

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:24 a.m.

Certified as true and correct:



Date: July 13, 2022