

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:
www.youtube.com/c/PinelandsCommission

Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
November 22, 2024 – 9:30 a.m.

MINUTES

Members in Attendance: Jerome Irick, Mark S. Lohbauer, Jessica Rittler Sanchez

Members in Attendance (Zoom): Alan W. Avery, Jr., Chair Laura E. Matos, Douglas Wallner

Members Absent: Theresa Lettman

Staff Present: Gina Berg, John Bunnell, Ernest Deman, Katie Elliott, April Field, Lori Friddell, Susan R. Grogan, Brad Lanute, Paul Leakan and Stacey P. Roth. Also in attendance was Alexis Franklin with the Governor's Authorities Unit (Zoom).

1. Call to Order

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

2. Adoption of minutes from the October 25, 2024 CMP Policy & Implementation Committee Meeting

Commissioner Lohbauer moved the adoption of the October 25, 2024 meeting minutes. Commissioner Wallner seconded the motion. Commissioners Avery, Lohbauer, Matos, Rittler Sanchez and Wallner voted in favor. Commissioner Irick abstained. The motion passed.

Adoption of minutes from the Closed Session of the October 25, 2024 CMP Policy & Implementation Committee Meeting

Commissioner Rittler Sanchez moved the adoption of the October 25, 2024 closed session meeting minutes. Commissioner Lohbauer seconded the motion. Commissioners Lohbauer, Matos, Rittler Sanchez and Wallner voted in favor. Commissioners Avery and Irick abstained. The motion passed.

3. Review of Executive Director's report on Hamilton Township Ordinance 2085-2024 Adopting a Site-Specific Redevelopment Plan for Block 237, Lots 1 and 2

Attachment A to these minutes

Chief Planner Brad Lanute reviewed the Executive Director's report on Hamilton Township Ordinance 2085-2024 that adopted a redevelopment plan for Block 237, Lots 1 and 2. He said the entire 105-acre redevelopment area is located in the Township's Forest Area-70 (FA-70) District within a Pinelands Forest Area. He noted the existing, vacant 31,000-square-foot industrial building onsite predates the Pinelands Comprehensive Management Plan (CMP). Mr.

Lanute said the area borders the Atlantic City Expressway, privately owned forested lands and the Makepeace Lake Wildlife Management Area.

Mr. Lanute said that the Township has been trying to return the site to use, but has had difficulty since the prior industrial use is non-conforming and deemed abandoned under the CMP. He reviewed the limited permitted uses in the Forest Area, which include forestry, agriculture, campgrounds, low-intensity recreation, places of worship and schools. He said the redevelopment plan would allow for redeveloping the site as a cannabis cultivation facility, noting that the Township has already been in contact with an interested developer.

Mr. Lanute explained the redevelopment plan establishes an overlay zone for the site. The overlay zone conditionally permits cannabis cultivation facilities and provides a variety of associated, conditional use standards. The underlying zoning regulations of the FA-70 district remain applicable to the redevelopment area, including the CMP's minimum environmental standards.

Mr. Lanute said the redevelopment plan requires Commission certification based on the CMP's municipal flexibility provisions. The redevelopment plan would offer a limited opportunity for a licensed cannabis cultivation facility to engage in the full range of activities permitted under the state license, some of which fall under the CMP definition of agricultural products processing. He explained that while the CMP permits agricultural uses in a Forest Area, it does not permit agricultural products processing facilities in that management area. Mr. Lanute described the activities authorized under a Class 1 Cannabis Cultivator license that would be considered agricultural products processing, including processing or packaging cannabis, and depending on the methods, drying or curing cannabis.

He said the redevelopment plan limits any development associated with the cultivation facility to an approximate 10-acre area that has been previously developed and cleared.

Mr. Lanute said the CMP allows Pinelands municipalities to adapt standards and provisions of the CMP to local conditions, provided CMP goals and objectives continue to be achieved. He said staff find that the opportunity for redevelopment of an existing, nonresidential structure in the Township's Forest Area is an appropriate exercise of municipal flexibility and meets the objectives of the CMP.

With regard to the required Commission's public hearing on Ordinance 2085-2024, Mr. Lanute said one comment was received from a staff member of the Great Egg Harbor River Watershed Association in support of the redevelopment plan. The commenter inquired if there were any updates to the stormwater management practices on the site and if any of the forested area of the parcel will be deed restricted as a condition of the new use. Mr. Lanute responded that any development of the site, including the establishment of the cultivation facility, will require application to the Commission and must demonstrate consistency with the minimum environmental standards of the CMP, including those for stormwater management. Regarding deed restriction, Mr. Lanute said the redevelopment plan does not require deed restriction of the remaining forested lands on the parcel. The undeveloped portion of the site will remain available for agriculture and other uses permitted in the Township's FA-70 district.

Mr. Lanute concluded that staff is recommending a motion from the Committee to forward Ordinance 2085-2024 to the full Commission to certify the ordinance.

Chair Matos opened the floor to questions.

Commissioner Rittler Sanchez inquired about the previous industrial use on the site and if the intent was to remove the existing structure.

Executive Director (ED) Grogan said the site has been long abandoned and the intent is to reuse the existing building.

Commissioner Rittler Sanchez further inquired if the well was operational and if the developer would be coming to the Commission for well permits.

ED Grogan said the required development application will address those issues.

Commissioner Rittler Sanchez confirmed that dispensing will not occur at the site location.

Mr. Lanute explained that each class of cannabis license authorizes different activities and that cannabis dispensaries have a separate license and are not permitted under the Class 1 Cannabis Cultivation license. Only a Class 1 licensed cultivation facility is permitted on this site and therefore dispensing will not be permitted.

Commissioner Rittler Sanchez inquired on potential water use at the site. ED Grogan said it may be proposed as part of the cultivation and processing operation.

ED Grogan noted that there had been prior interest in redeveloping the site for a large warehouse use, which staff had determined was not an appropriate use in a Forest Area. She said this plan is a creative reuse of the site and the existing building, and it is a good example for using a redevelopment plan.

Commissioner Rittler Sanchez inquired if a deed restriction was required as part of the redevelopment. ED Grogan said it is not required.

Mr. Lanute said the Township's FA-70 zone is already a very restrictive zone.

Commissioner Wallner asked if the area around the building is paved or otherwise maintained. Mr. Lanute said that area has been maintained as grass and that the Class 1 license will have maintenance and security requirements. Mr. Wallner suggested that since it is a forested area, native vegetation and grasses should be used within the maintained area.

Commissioner Lohbauer said he was happy they were reusing the existing building and inquired if there was a report on contamination or any New Jersey Department of Environmental Protection (NJDEP) violations on the site.

Mr. Lanute said the Commission has no record; however, the former use was industrial.

Legal and Legislative Affairs Chief Stacey Roth, responded that it is likely the developer, using due diligence, would have investigated and at least completed a Level I environmental assessment to determine if there were any contaminants and the cost associated with any remediation.

Commissioner Irick said a Phase I assessment could be requested and a request for chain of title to research prior owners.

There being no further questions or comments, Chair Matos closed the discussion.

Commissioner Lohbauer moved to recommend certification of Hamilton Township Ordinance 2085-2024 to the full Commission. Commissioner Rittler Sanchez seconded the motion. All Ayes. Motion passed.

4. Presentation on Off-road Vehicle Ordinances

Attachment B to these minutes and posted on the Commission's website ([click here](#)).

Planning Specialist Katie Elliott provided a presentation on off-road vehicle ordinances within the Pinelands.

Ms. Elliott said that off-road (ORV) vehicle damage has been an ongoing discussion topic for the Committee. She noted that the drafting of a model ordinance to offer as an optional resource to Pinelands municipalities has been part of the Fiscal Year 2024-2025 workplan and reflects the Commission's stewardship goals.

Ms. Elliott reviewed current State statutes enabling municipal regulation of ORV/ATV (all-terrain vehicle) use on public lands and roads, as well as guidance documents utilized by law enforcement. Ms. Elliott outlined examples of some existing municipal ordinances. She explained factors that affect municipal response to ORV/ATV restrictions are varied and complex.

Ms. Elliott highlighted elements from the draft model ordinance, including safety standards, illegal operation, violations, and penalties. She emphasized that this is an optional ordinance. Municipalities may alter wording to adapt to their municipality's needs and they are not required to adopt it to maintain conformance with the CMP. She outlined the next steps, including incorporating any Committee feedback into the model ordinance and developing a guidance document for distribution to Pinelands municipalities. Ms. Elliott said staff will engage with any municipalities that are interested in adopting the ordinance to tailor the ordinance to their needs.

Commissioner Irick thanked staff for the detailed research and presentation. He suggested that farming equipment and tractors be added to the list of exemptions. He noted that the draft ordinance addresses activity on public lands and suggested that it should include deed-restricted land and Green Acres or park lands. He questioned the reference to ATV vehicle registration, noting that ATVs are not issued titles and are not able to be registered. Commissioner Irick further recommended that noise levels be defined by decibels, similar to NJDEP. Mr. Irick asked about the establishment of a State training program, stating he was unfamiliar with the program. Lastly, Commissioner Irick inquired how these ordinances affect Pinelands Commission permitting of Enduro events.

Executive Director (ED) Grogan clarified that the ordinance does not apply to Enduro events, which require application to the Commission and follow a separate process for event permits with NJDEP.

Commissioner Irick encouraged more oversight on Enduro events and increased application fees.

Commissioner Rittler Sanchez inquired about insurance requirements if vehicles are unable to be registered.

Chief Planner Brad Lanute responded that the state statute does require insurance and said that the farm equipment exemptions will be reflected in the model ordinance. He said that the Commission is providing a resource, he reminded the Committee that the ordinance is not mandated by the CMP.

ED Grogan said each municipality will have its own approach to the regulations and enforcement; however, this model ordinance will offer guidelines if they choose to adopt an ORV ordinance.

Commissioner Rittler Sanchez inquired about potential liability to a municipality that adopts the ordinance and if insurance should be required.

Ms. Roth explained there would not be a liability component because once adopted, the ordinance would be a legal requirement. She said if an accident occurred on Municipal property, it would likely fall under municipal coverage, or the State tort claim act.

Commissioner Lohbauer said he fully supports this initiative, recognizing it is often a controversial topic. He said the model ordinance provides a good tool to strengthen enforcement. He thanked staff and agreed with Commissioner Irick regarding his recommended farm equipment exemption and noise definition by decibel.

Chair Matos thanked staff for their work and presentation.

There being no further questions or comments, Chair Matos closed the discussion.

5. Public Comment

Heidi Yeh of the Pinelands Preservation Alliance expressed disappointment that the topic of wetlands delineation was not included on the agenda and hopes to see it prioritized at the next meeting. She said she would appreciate an explanation of how wetlands delineations are performed using federal and Pinelands-specific standards.

Jason Howell of the Pinelands Preservation Alliance said he was pleased to see off road vehicles included in discussion. He inquired if input was received, or guidance provided regarding the ability of park police to enforce municipal regulations.

Fred Akers of the Great Egg Harbor Watershed Association thanked the Commission for addressing off-road vehicles and said it is an issue that is ready for regional planning. He said the Pinelands Municipal Council struggled with the issue in the past and suggested contacting the Council's Chair, Mayor Pikolycky, as a reference.

There being no further comments, Chair Matos closed public comment and opened comments to Commissioners.

Commissioner Lohbauer wished all a happy Thanksgiving.

6. Adjournment

There being no other business, Commissioner Irick moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. All voted in favor. The meeting was adjourned at 10:25 a.m.




Certified as true and correct:

A handwritten signature in cursive script that reads "Lori A. Friddell". The signature is written in black ink and is positioned above a horizontal line.

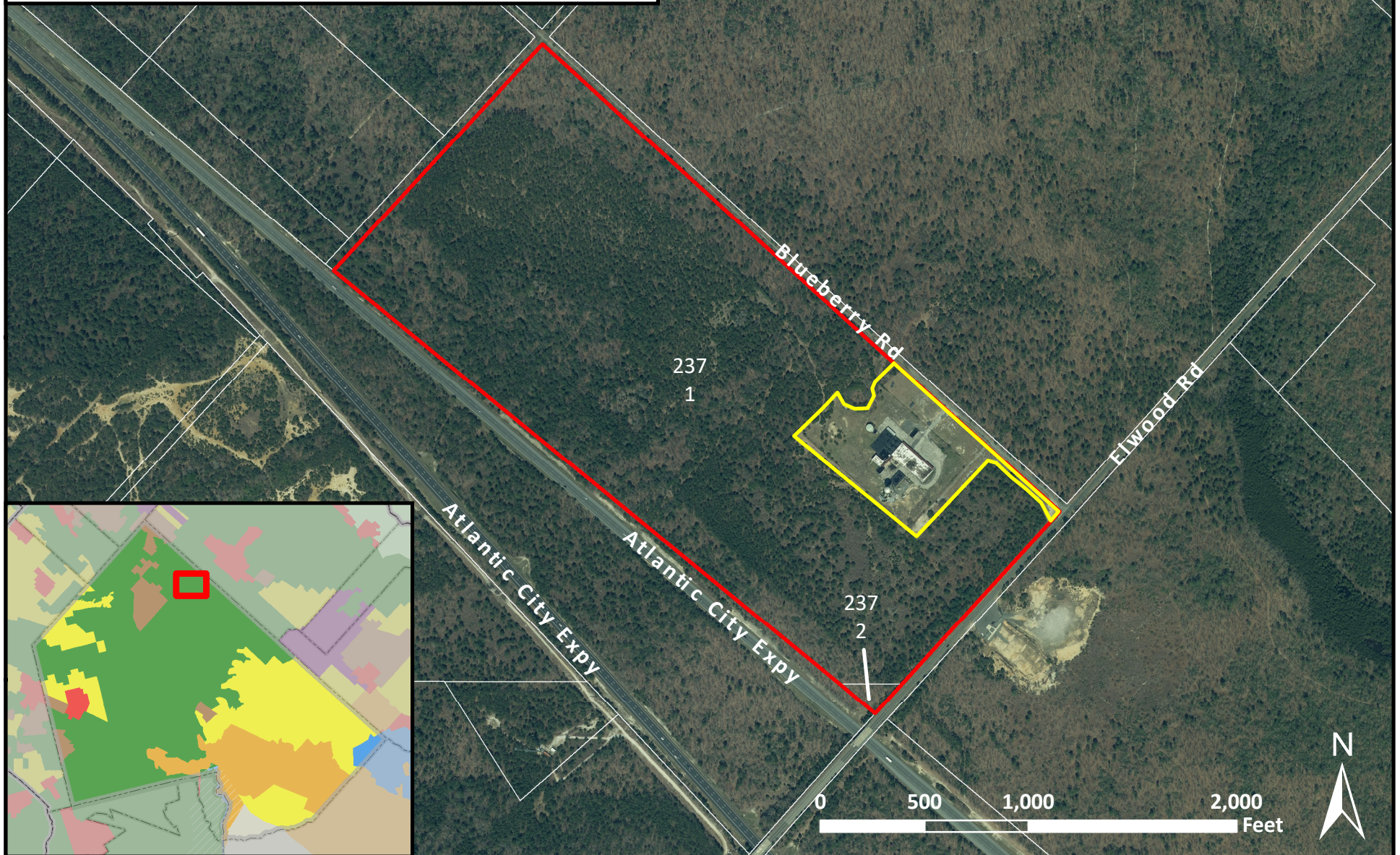
Lori Friddell
Land Use Programs Technical Assistant

Date: November 27, 2024

Hamilton Township Ordinance 2085-2024

-  Redevelopment Area
-  Parcel Boundaries
-  Developed/Cleared Area

Executive Director's Report
Hamilton Twp. Ord. 2085-2024
11/22/20224
Exhibit #1



2877 ELWOOD
RD

Blueberry Road

