

Disclaimer

These minutes reflect the actions taken by the Commission during its December 13, 2024 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 December 18, 2024.

PINELANDS COMMISSION MEETING

MINUTES  
December 13, 2024

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: [https://www.youtube.com/watch?v=Avbd\\_mjsveQ](https://www.youtube.com/watch?v=Avbd_mjsveQ)*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., Dan Christy, John Holroyd, Jerome H. Irick, Mark Lohbauer, Mark Mauriello, William Pikolycky, Jessica Rittler Sanchez, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jay Stypinski and Governor's Authorities Unit representative Alexis Franklin.

Commissioners Absent

Theresa Lettman and Jonathan Meade.

Call to Order

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

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

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.

### Minutes

Chair Matos presented the minutes from the Commission's November 8, 2024 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the November 8, 2024 Commission meeting were adopted by a vote of 11 to 0.

### Committee Reports

Chair Matos provided a summary of the November 22, 2024 Policy and Implementation Committee meeting:

The Committee approved the minutes of the October 25, 2024, meeting.

Staff reviewed the Executive Director's report on Hamilton Township Ordinance 2085-2024, adopting a site-specific redevelopment plan for a former industrial site in the Forest Area. Committee members moved to recommend certification of Ordinance 2085-2024 to the full Commission.

The Committee heard a presentation on off-road vehicle ordinances in the Pinelands and discussed a draft model ordinance. The Committee offered recommendations regarding language within the draft ordinance. When finalized, the model ordinance could be distributed to Pinelands municipalities as a resource. Municipalities would not be required to adopt the model ordinance.

Committee members heard public comments including a request for future discussion on wetlands delineation and comments in support of the Commission offering resources relating to regulating off road vehicles within the Pinelands.

### Executive Director's Report

ED Grogan provided information on the following matters:

- The New Jersey Department of Environmental Protection released its Visiting Vehicle Use Map for Wharton State Forest. NJDEP staff offered to meet with staff to review logistics and discuss how the road closures will affect the Commission's staff access to its research sites.
- Staff continues to work with the Property Management and Construction office on the Request For Proposal and award process for a design consultant related to the Fenwick Manor rehabilitation project. The project is slightly delayed; however, staff remain

hopeful the bid will be awarded shortly and contracts signed so that staff can begin to work directly with the project consultants.

ED Grogan advised the Commission and members of the public that the Commission would be holding a closed session at the end of the meeting to discuss personnel matters. She also noted that there is no public hearing scheduled for the Black Run rule proposal. ED Grogan said the rule proposal is almost complete and the next step in the process is to send the rule to the Governor's office, which should happen before the new year. The Commission must first vote to authorize the proposed amendments which will be listed on a future Committee meeting agenda. She said the proposal must be formally published in the New Jersey Register. A public hearing and public comment process will be outlined at that time.

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

- The Executive Director consulted with Chair Matos regarding an emergency authorization request from Stockton University for the replacement of an elevated potable water storage tank used by the university and for fire suppression. The potable water storage tank was in danger of failing. Stockton University completed an application for the replacement of the water tank, but an ongoing issue with a conservation deed restriction at the University caused a delay. On December 6<sup>th</sup>, a letter was issued to Stockton University granting an emergency authorization to begin development. Public comment on the application will be accepted at the Commission's January monthly meeting and formal action by the Commission is expected at the February monthly meeting.
- On December 16<sup>th</sup>, staff is scheduled to meet with the Hamilton Township Administrator and Mayor and the applicant related to township's application to cap its landfill and the development of a solar energy facility. Staff previously provided a suggested approach by which the project could demonstrate consistency with the Commission's threatened and endangered (T&E) animal species protection standards. The meeting is an attempt to move the application forward.
- In 2015, staff issued a Certificate of Filing for the construction of 73 single family dwellings in Hamilton Township. A preliminary site plan approval was issued some seven years ago but construction never occurred. More recently, Hamilton Township issued final site plan approval for the project. Staff met with the applicant on December 4<sup>th</sup> because the project is not consistent with the stormwater management requirements and T&E species standards of the Comprehensive Management Plan (CMP).

Gina Berg, Director of Land Use Programs, provided an update on the following Land Use Programs matters:

- The NJDEP finalized draft rule amendments for Pinelands Infrastructure Trust Fund projects. The proposal will be issued in the late spring.

- Staff continues to make progress on the following rule amendments: “Gap” approval process; vegetation management in Electric Transmission Rights-of-Way; and accessible trail development.
- Staff provided a presentation on the Pinelands Management Area boundary assessment for climate risks to the Vulnerability Assessment Work Group that is part of the Interagency Council on Climate Resilience.
- The State Agriculture Development Committee released a summary report of the new statewide formula for valuing farmland easements and plans to publish the rule in early 2025.

Brad Lanute, Chief Planner said on December 4<sup>th</sup>, the State Planning Commission approved the release of the Preliminary Draft of the New Jersey State Development and Redevelopment Plan: [https://www.nj.gov/state/bac/planning/documents/update-to-state-plan/Draft%20Preliminary%20SDRP%20\(SPC%20Approved%2012.4.2024\).pdf](https://www.nj.gov/state/bac/planning/documents/update-to-state-plan/Draft%20Preliminary%20SDRP%20(SPC%20Approved%2012.4.2024).pdf)

He said the State Planning Commission will hold several public hearings across the state and kick off the Cross-Acceptance process.

He added that at the January P&I Committee meeting, staff will have reports and recommendations on two municipal ordinances and will also provide an overview of the State Plan process. Staff are also planning to provide an annual municipal conformance review which will highlight some trends observed in the last year.

Commissioner Pikolycky asked when the State Planning Commission expects to release the final State Plan.

Chief Planner Lanute said adoption is targeted for the fall of 2025.

Stacey Roth, Chief, Legal and Legislative Affairs provided an update on the Clayton Sand Company litigation matter appealing the Kirkwood-Cohansey rules. She said the Commission filed its response brief in late November. She said Winslow Township filed its amicus brief, but it contained arguments that had no bearing on Clayton’s appeal and included documents that were not part of the record. The Commission filed a motion to strike and Winslow Township will need to refile its amicus brief. Currently, we are waiting for the Court to act on the Commission’s request for permission to submit an “overlength” brief and for Clayton Sand Company to file its reply.

Paul Leakan, Communications Officer, provided an overview of the Commission’s 2025 Pinelands National Reserve calendar that features a new map and QR code.

### Planning Matters

Chair Matos introduced a resolution to certify Hamilton Township Ordinance 2085-2024.

Commissioner Lohbauer made a motion Issuing an Order to Certify Hamilton Township Ordinance 2085-2024, Adopting a Site-Specific Redevelopment Plan for Block 237, Lot 1 and 2 (See Resolution # PC4-24-23). Commissioner Irick seconded the motion.

Chief Planner Lanute said Hamilton Township Ordinance 2085-2024 was adopted by the Township in September and adopts a redevelopment plan for Block 237, Lots 1 and 2. He said the redevelopment area is approximately 105 acres and is the site of a former, but now vacant, industrial building. The existing industrial building predates the CMP and contains approximately 31,000 square feet. Between 1955 and 2010, dyes and other solutions were manufactured at the site. He said the redevelopment area is located in the Township's Forest Area-70 (FA-70) District, which is within the Pinelands Forest Area (see attached Exhibit #1). He said the Township has been actively seeking a tenant that could return the site to active use. However, this has been a challenge because the prior industrial use was non-conforming and has since been deemed abandoned under the CMP. Additionally, the Township's FA-70 District reflects the limited uses that the CMP permits in a Forest Area, which include forestry, agriculture, campgrounds and low-intensity recreation.

During the past year, the Township was approached by a developer that was interested in reusing the site and existing building as a cannabis cultivation facility. The redevelopment plan allows a small, already disturbed portion of the site (outlined in yellow on Exhibit 1) to be used as Class 1 Cannabis facility. Township is seeking to utilize the CMP's municipal flexibility provision to provide a limited opportunity for the facility to engage in activities defined by the CMP as "agricultural products processing" that are not permitted in Pinelands Forest Areas. Such activities could consist of processing or packaging cannabis or, depending on the methods, drying or curing cannabis. He noted that agricultural products processing activities would be limited to no more than 10 acres of the overall parcel.

He said the CMP has always allowed Pinelands municipalities to refine and adapt the various standards and provisions of the CMP and tailor them to local conditions, provided the goals and objectives of the CMP continue to be achieved. He said staff is recommending certification of Ordinance 2085-2024.

Lastly, he noted that there is ongoing remediation at the site with oversight from the NJDEP. Remediation will continue until DEP groundwater quality standards are met. The redeveloper is aware of the remediation status of the site.

Commissioner Asselta asked why the Commission is approving this considering the ongoing remediation at the site.

ED Grogan said staff is not asking the Commission to approve any development but rather to certify an ordinance adopted by the Township. She said the applicant still needs to complete an application with the Commission and meet all of the environmental standards of the CMP before any development can occur.

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

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

Public comment was not provided.

Ordinances Not Requiring Commission Action

Chief Planner Lanute said the Land Use Programs Office reviewed five ordinances last month that raised no substantial issue. Two ordinances were from the Borough of Medford Lakes and were focused on strengthening protections on the demolition of Log Cabin Structures both within and outside the Borough's historic district. These ordinances were reviewed to ensure that they met the CMP cultural resource standards.

He said the other three ordinances implemented the 2023 Kirkwood-Cohansey water management rules as well as the 2023 NJDEP stormwater rule amendments. The deadline to adopt the Kirkwood-Cohansey water management rules was December 4<sup>th</sup> of this year. All but three municipalities have met that deadline. Staff is currently working with the three remaining municipalities, and anticipates adoption will occur in the early months of 2025.

Other Resolutions

Chair Matos introduced a resolution scheduling Pinelands Commission meeting dates in 2025.

Commissioner Pikolycky made a motion Scheduling Regular Pinelands Commission Meeting Dates for 2025 (See Resolution # PC4-24-24). Commissioner Lohbauer seconded the motion.

ED Grogan said the Commission will meet on the second Friday of each month.

Commissioner Lohbauer said after polling the Climate Committee members, it was decided that climate matters should be combined with the P&I Committee agendas. He noted difficulty in gaining a quorum for the meetings since most of the members are also members of the P&I Committee. He said nonetheless, discussion of CMP amendments to address future climate change impacts in the Pinelands Area remains a priority.

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

General Public Comment

John Volpa of Evesham Township said he is a founding member of the Black Run Preserve and past Chair of the Friends of the Black Run. He provided the details on how the open space land came to be the Black Run Preserve and the importance of protecting the headwaters of the Black Run watershed. He said that protection would start with a Forest Area designation by the Commission, followed by purchase and preservation. (See attached comments)

Harry Harper of Pemberton Township said the Commission needs preserve more land. He said the Pemberton Township Planning Board voted against the Pole Bridge development project. He said Commission staff muddied the waters by trying to assist the Planning Board by providing a

wetlands determination. He said the letter was confusing and went against the Commission's wetlands standards. He said the Township needs the Commission's help to save the property.

Lisa Berg of Evesham Township said she is speaking on behalf of several neighbors who live on Kenilworth Road and Tomlinson Mills Road who are against the construction of a parking area that is part of the accessible trails proposal at the Black Run Preserve in Evesham Township. She said the traffic will have a negative effect on their quality of life, there are known T&E plant species in the area and the illegal dumping of trash is already a problem. She said that she and her neighbors have raised these same concerns with the Evesham Township Environmental Commission.

Amy Golden of Voorhees Township thanked the Commission and ED Grogan for making the Black Run rule proposal a priority. She said the Black Run Preserve is special and unusual and invited Commissioners for a private tour.

Jason Howell of the Pinelands Preservation Alliance said the release of NJDEP's Visiting Vehicle Use Map for Wharton State Forest and the denial of the Pole Bridge development application by Pemberton Township's Planning Board are good news for the Pinelands. He said the Commission needs maintain a list of qualified T&E consultants rather than have an applicant choose their own T&E consultant to perform the study. He said this will regain the public's trust and eliminate the conflict of interest. He added that the Commission's Science staff should be consulted in reviewing T&E studies and wetlands delineation. He said the CMP should be updated in the next round of amendments to require use of the Pinelands wetlands manual when delineating wetlands.

Max Murphy, lifelong Pine Barrens resident, thanked the Commission for moving forward with the Black Run rule proposal. He said the headwaters of the Black Run must be protected because they provide an ecosystem for many diverse wildlife and act as a natural sponge alleviating the damage from floods. He said the redesignation from a Rural Development Area to a Forest Area will also protect drinking water for much of South Jersey.

Jonathan Duff of Southampton Township said he is speaking on behalf of Shamong Township residents who are against a roundabout that Burlington County is proposing. He said residents are not in favor of the roundabout. He said the County will be applying to the Commission for the development. He is in favor of protecting the headwaters of the Black Run. He said Pemberton Township residents voted out the town council because of the warehouse constructed in the Birmingham section of the Pemberton which is outside of the Pinelands Area.

Robin Miller of Clementon said she visits the Black Run Preserve often. She raised concerns about the importance of clean drinking water, the wildlife at the Black Run Preserve and the trees.

Erik Heyman of Cinnaminson Township thanked the Commission for its commitment to redesignate the Black Run from a Rural Development Area to a Forest Area. He said the Black Run Preserve provides open space to many residents in South Jersey.

Hana Katz, a volunteer with Deer Park Fire Company, said she recently responded to the fire that was burning near the Black Run Preserve and saw the impact it had on the wildlife and ecosystem. She said the region does not need more housing and she supports the redesignation of the Black Run from a Rural Development Area to a Forest Area.

Paul Funk of Camden County said he visits the Black Run Preserve often. He said natural places are innocent living things that have no defense from developers. He urged the Commission to help protect the Black Run Preserve.

Tara Rozanski of Collingswood said she is an employee at Whitesbog. She noted how important it is for children to interact with nature. She said the Pinelands ecosystem is unique and diverse and she supports the preservation of more land.

Ben Dziobek of Climate Revolution Action Network said he supports the protection of the lands adjacent to the Black Run Preserve. He said it is vital to the state's future and to the surrounding bodies of water. He said people have observed contractors spraying stakes and marking locations for future development. He urged the Commission to take the necessary steps to preserve this land.

Mary Counsel, Voorhees Township, said New Jersey is the most densely populated state in the nation and the Pinelands are the lungs of the state. She said we need to preserve more of the Pinelands and not vote for the development.

Kristen Strehle, a resident of Massachusetts, said she grew up in New Jersey and remembers fighting for the rattlesnakes when the Sanctuary development was being proposed. She said she has taught and lived all over the country but Black Run Preserve remains one of her favorite places. She said the results of radical conservation work in preserving land has stopped projects. She said the headwaters of the Black Run need to be protected.

#### Closed Session

DAG Stypinski read a resolution to retire into closed session. Commissioner Lohbauer made a motion to enter into closed session. The motion was seconded by Commissioner Rittler Sanchez and all voted in favor. The Commission met in closed session beginning at 11:10 a.m.

#### Return to Open Session

Commissioner Pikolycky made a motion to To Authorize the Executive Director to enter into New Collective Negotiations Agreements with the Communications Workers of America, Local 1040, for the Period Beginning July 1, 2023 and Ending June 30, 2027 (See Resolution # PC4-24-25). Commissioner Lohbauer seconded the motion.

ED Grogan said during closed session, the Commission reviewed the terms of a contract for the three employee bargaining units. The employee bargaining units voted to ratify the contract on December 6, 2024. She said by voting on this resolution, the Commission would be authorizing her to sign the agreements.



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

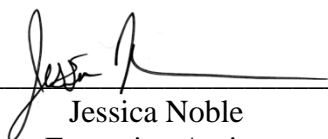
Adjournment

Commissioner Lohbauer thanked and commended NJDEP's Commissioner Shawn LaTourette for keeping his promise and releasing a vehicle use map for Wharton State Forest this year.

Commissioner Lohbauer also noted that Commissioner Irick was recently recognized for his outstanding work as a volunteer and community leader by the Buena Historical Society.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 11:45 a.m.




Certified as true and correct:

  
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Jessica Noble  
Executive Assistant

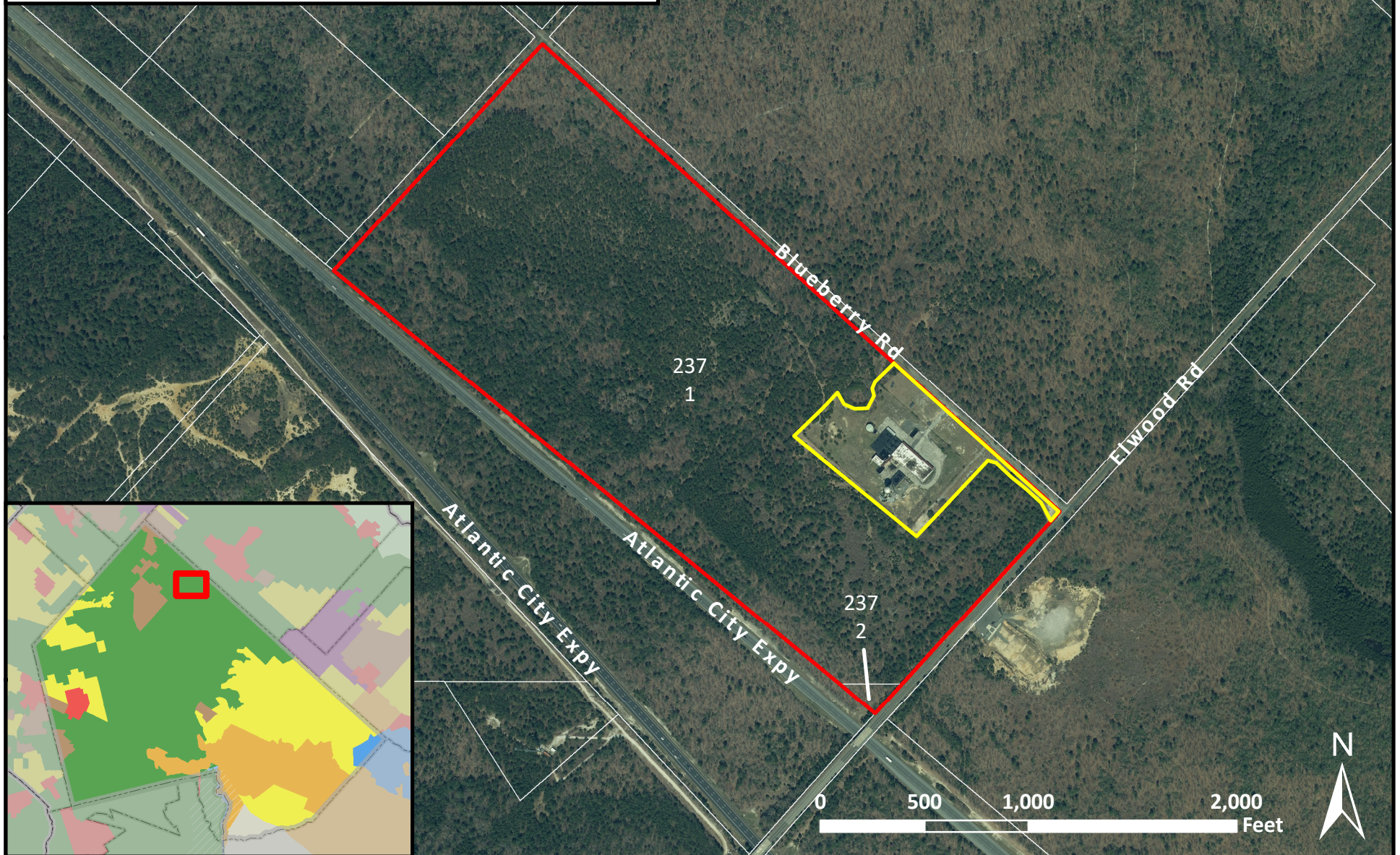
Date: December 18, 2024



# 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



Pinelands Commission Meeting  
12-13-24  
BRP Headwaters

My name is John Volpa, Evesham Township resident, Founder of the Black Run Preserve, and past chair of the Friends of the Black Run Preserve. I retired from the Board of Trustees in May therefore, I speak as a private citizen.

The Black Run Preserve has long been recognized for its largely unspoiled Pine Barrens flora and fauna. In fact, it was the Pinelands Commission's first Chief Scientist, Dr. Robert Zampella, who referred to what became the BRP and its Headwaters as "pristine Pine Barrens".

As special as this Evesham Township owned open space is, the land had not been treated as if it were special. Instead, over decades, it had become a dumping ground for all manner of refuse, a haven for bonfires, drinking, and drugs. Illegal ORV use was common and it continues to leave its mark in the Aerohaven section; stopping any chance for natural restoration to take hold.

What did take hold was the desire of local citizens to care for the land: to protect it, restore it, and utilize it for sustainable recreational activities. In 2007, Black Run Preserve was officially named and the Friends of the Black Run Preserve formed in 2012. During those seventeen years, over a thousand volunteers conducted numerous clean-up events, installed infrastructure, constructed, mapped, marked, and maintained over nineteen miles of multi-use trails. Volunteers participate in a variety of committees that conduct restoration projects, citizen science projects, a diverse number of educational programs and community events.

The BRP's peace and pristine beauty inspires volunteers to such great heights. Because of those accomplishments, the BRP's public health, economic, and ecological value is recognized across the region. The BRP's social infrastructure has enabled thousands of people to utilize its Pine Barrens true value as a portal to wellness and peace.

Now, before this commission is the opportunity to make a crucial first step to ensure the Headwaters are preserved and protected from development. If the Headwaters ever became a part of Evesham Township open space, then I like to imagine how the Black Run Preserve could grow by 700+ acres.

This year, the Evesham Township Environmental Commission received ANJEC's Environmental Achievement Award for its 2023 Open Space & Recreation Plan Element of the Master Plan. The following is an OSRP excerpt:

"The Evesham Headwaters Area consists of both wet forests and upland forests. It is the location where the headwaters of both Barton Run and Black Run begin, and it is also a region of the highest recharge to groundwater within Evesham Township. The habitats in this area have been documented as having very high integrity, according to Pinelands Commission studies, meaning that the creeks are pristine Pineland waters, and the forests are highly diverse. Several

endangered and threatened species have been documented in this Area. The area is adjacent to land that has been preserved by Evesham Township. Its status within the Pinelands Rural Development Area does not offer significant protection from development on the upland locations within the Area. Development has occurred south of this region and, with the township nearly built out in other locations, this is perhaps the most threatened part of Evesham, making preservation and protection of this area paramount.” The OSRP goes on to recommend the acquisition of the Evesham Headwaters as a top priority.

The Headwaters are the ecological key to the future of the BRP. If it has a chance to remain “pristine”, it must start with its designation as Forest Area. I urge the PC to redesignate the Evesham Headwaters as Forest Area. Such action will be a major step toward its preservation. Then local government, nonprofits, and government agencies can work together to purchase it, ensuring its preservation, protection and accessibility for future generations to enjoy.