

Disclaimer

These minutes reflect the actions taken by the Commission during its August 9, 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 August 14, 2024.

PINELANDS COMMISSION MEETING

MINUTES  
August 9, 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=R8xcRv7vksg>*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., John Holroyd, Jerome H. Irick, Theresa Lettman, Mark Lohbauer, Jonathan Meade, 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

Dan Christy and Mark Mauriello.

Call to Order

Chair Matos called the meeting to order at 9:38 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 July 12, 2024 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the July 12, 2024 Commission meeting were adopted by a vote of 11 to 0.

### Resolution Honoring former Commissioner Joan Batory

Chair Matos introduced a resolution acknowledging the wonderful contributions of Commissioner Joan Batory who passed away on July 27<sup>th</sup>. Commissioner Batory was an original member of the Commission.

Commissioner Avery made a motion Expressing the Commission's Gratitude and Appreciation for the Late Joan Batory and Her Extraordinary Service as a Founding Member of the New Jersey Pinelands Commission and Her Contributions to the Pinelands. Commissioner Lohbauer seconded the motion.

Chair Matos read the resolution into the record. The resolution was adopted by a vote of 11 to 0. See attached Resolution # PC4-24-14.

ED Grogan said the photograph displayed on the screen includes the Commission's first Executive Director Terrence D. Moore and former Commissioners at an event from the 1990's. Commissioner Batory can be seen on the left (see attached photo).

Paul Leakan said Commissioner Batory never stopped caring about the Pinelands and just last year, she dropped off her original Comprehensive Management Plan at the Commission offices.

### Committee Reports

Vice Chair Avery provided a summary of the July 26, 2024 Policy and Implementation Committee meeting:

The Committee approved the minutes of the May 31, 2024, meeting.

The Committee considered a draft Memorandum of Agreement between the Pinelands Commission and Stafford Township. The MOA concerns improvements to an existing trail at Forecastle Lake Park to make it accessible to individuals with ambulatory challenges. The improvements are within wetland buffers which requires the MOA to allow for a deviation from the standards of the CMP. The Township intends to offset the impacts by revegetating an upland area onsite. Staff informed the Committee that with their approval to move forward, a public

hearing would be scheduled for August 14, 2024. The Committee supported moving forward with the MOA process and allowing the draft MOA to proceed directly to the full Commission after the public hearing, provided there are no substantial issues identified.

The Committee received a presentation regarding the NJDEP REAL (Resilient Environments and Landscapes) Rule Amendments. The overview introduced extensive NJDEP draft amendments to eleven rule chapters. The staff plans to return to the Committee with a more detailed review of any impacts on Pinelands activities. The DEP anticipates its rule proposal to be published this summer with the potential adoption and effective date of Fall 2025.

Executive Director Susan Grogan provided a presentation of the P&I Committee FY24 accomplishments and FY25 work plan projects. The presentation reviewed completed, ongoing, and some unanticipated projects. Additionally, the presentation included new initiatives and continuing work for FY25's work plan. ED Grogan requested Committee input on the FY25 work plan projects. Committee members supported work on PDC program initiatives, projects to enhance protection of threatened and endangered species, and continuation of efforts to minimize the Commission's carbon footprint, among other projects. Several Committee members noted the importance of acknowledging the funding and staff time that will need to be devoted to the rehabilitation of Fenwick Manor.

#### Executive Director's Report

ED Grogan provided an update on the following matters:

- Commission staff recently met with the new program officer from the NJ Historic Trust assigned to the Fenwick Manor Restoration project. The grant agreement has been signed by all parties and the NJ Historic Trust will be providing the entire sum of the grant funds to the Commission for future distribution. Additionally, the Scope of Work and Request for Proposal (RFP) has been finalized and the Division of Property Management and Construction will share it with their procurement office who will then post the RFP to their website. The Commission's Archaeologist is planning to conduct pre-bid site visits for consultants.

At the July Commission meeting, staff delivered a presentation on the five-year Long Term Economic Monitoring (LTEM) Program Report. At that meeting, Commissioner Asselta inquired about economic development and prior funding designated to the Commission. Review of the Commission's records indicates that in 1997, the Legislature adopted a Bill that provided \$250,000 to the Commission to study the rural communities in the Pinelands Area. That study is known as the Pinelands Rural Economic Development Pilot Program. The Commission hired a consultant and worked with seven municipalities. Reports stemming from the Pilot Program can be found on the website. The Pine Barrens Byway was an outcome of the study.

Commissioner Asselta noted that the recommendation to fund a rural economic development program came from the Pinelands Municipal Council.

Chuck Horner, Director of Regulatory Programs, encouraged everyone to read the July Management Report and provided information on the following regulatory matters:

- The Commission signed off on approvals issued by Washington Township for the construction of a 150-ft communications tower that will be an accessory use to the Lower Bank Fire Company.
- The Commission received a proposal for a very large project that will include the construction of approximately ten 20-acre greenhouses on a 2,500-acre parcel in Maurice River Township. The applicant plans to grow a variety of vegetables inside the greenhouses. The greenhouses will be constructed in such a way as to capture rainwater for use in the agricultural operation. Roof-top solar is also proposed to generate electricity solely for the agricultural operation. The construction of greenhouses exclusively for agricultural purposes does not require application to the Commission but must meet all environmental standards.
- The Executive Director issued an emergency authorization to Atlantic County for the removal and replacement of docks at Lake Lenape due to public safety concerns. The letter was shared with Commissioners and the County will file an after the fact application.
- The fill that was used to improve an agriculture driveway on Magnolia Road in Pemberton Township contained contaminants that exceed CMP standards. The applicant must demonstrate that the material will not degrade groundwater or the fill must be removed by September 15<sup>th</sup>.

Commissioner Rittler Sanchez asked which Pinelands Management Area the Maurice River Township Proposal is located in.

Director Horner said the Forest Area.

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

- The LTEM report funded by the National Park Service has been published and distributed.
- The Commission's composting program, an initiative from the Climate Committee, is almost ready to launch.
- Staff is reviewing many non-Pinelands Commission rules. In addition to the NJDEP's REAL rule amendments, the State Agriculture Development Committee (SADC) is in the process of adopting soil protection standards. The NJDEP is moving forward with modifications to its Infrastructure Trust rules and staff is assisting by reviewing the Pinelands Infrastructure Trust Fund (PITF) portion. The draft rules are intended to address water supply projects and eligible costs that were previously not included for

funding but were identified as priorities in the 2019 Pinelands Infrastructure Master Plan. A water supply project that could benefit from the amendment is a water system improvement project in Pemberton Township.

- Director Berg said another PITF project, the Williamstown Square transportation project in Monroe Township, has applied for funding through the Infrastructure Bank and will be reviewed by the New Jersey Department of Transportation for eligible costs.
- Director Berg said the NJDEP is also proposing amendments to its wastewater systems rules. The amendments to Chapter 9A could authorize additional advanced wastewater treatment systems. The addition of more technologies in the program would require further monitoring and agreements. Staff will consider how this rule amendment may expand the array of technologies that could be allowed to participate in the Pilot Program or to serve non-residential development in the Pinelands Area.

Stacey Roth, Chief, Legal and Legislative Affairs said an 86-page brief was submitted related to the Kirkwood Cohansey appeal by Clayton Sand Company. The litigation states that the Commission is preempted from issuing water diversion allocation permits and challenges that the Commission did not follow the proper rule making procedures. The Commission's brief is due in September.

Brad Lanute, Chief Planner said Pinelands municipalities continue to make progress on adopting model ordinances related to stormwater management and water management regulations:

- 38 municipalities have adopted and submitted ordinances
- We are anticipating another four municipalities to adopt and submit in August
- Staff are actively doing outreach to the remaining eight municipalities

He said adoption of the Preliminary State Plan by the State Planning Commission is still pending State agency comments.

Paul Leakan, Communications Officer said that the following events have been scheduled at the Commission's offices:

- "Wildlife of the Pinelands," at 3 p.m. on August 16<sup>th</sup>. Staff from the Woodford Cedar Run Wildlife Refuge will deliver the presentation, which will feature live animals;
- "If You Plant It, They Will Come: The Importance of Native Plants in the Landscape," at 3 p.m. on August 22<sup>nd</sup> presented by Randi V. Wilfert Eckel, PhD; and
- A program about Fungi of the Pinelands is scheduled for September 26<sup>th</sup>.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution approving a classroom addition in Medford Township

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1991-0484.006) (See Resolution # PC4-24-15). Commissioner Irick seconded the motion.

April Field, Chief Permitting Officer, said the Medford Township Board of Education is proposing an approximately 3,500 square foot addition at the Chairville Elementary School. The addition will be constructed on a maintained grass lawn and there are no environmental issues to note.

The resolution was adopted by a vote of 10 to 0. Commissioner Meade was not present during the vote.

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

No one from the public provided comment.

#### Ordinances Not Requiring Commission Action

Chief Planner Lanute said during the past month, the Land Use Programs Office reviewed seven ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP).

- Four ordinances addressing DEP stormwater management and CMP water management amendments;
- An ordinance from Shamong Township pertaining to Flood Damage Prevention; and
- Two ordinances from Monroe Township, one related to development standards and local tax requirements for cannabis establishments and the other related to maximum lot coverage requirements in the Township's Forest Area Zones.

#### General Public Comment

Harry Harper from Pemberton Township said the first phase of the snake study for the Pole Bridge Road development has been completed. He said over 600 hours were spent looking for a specific snake that was not found but residents on either side of the development have seen snakes. He asked the Commission to scrutinize the survey as the fall study is about to begin. He said the developer has done some questionable things, including cutting large scale trees to possibly chase out owls from the parcel. He noted that a large wetland was not delineated on the plans. He said that residents are unhappy and want to keep the site as preserved land. He thanked the Commission for its efforts to hold the property owner accountable for the dumping matter on Magnolia Road.

Edward Ferruggia with the group New Jersey Pinelands SOAR (Save our Arboreal Resources) said he was impressed to hear about all the matters the Commission is working on. He said he is here today in support of the Commission's proposal to redesignate the Black Run watershed to a Forest Area. He said members of SOAR have been seeing some property sales in the Black Run

and hearing about potential development proposals. He said if the land is acquired by developers, it will be more difficult to preserve. He said the Management Area change is crucial.

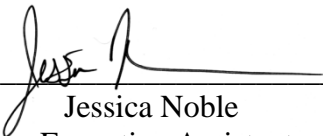
Jason Howell, Pinelands Preservation Alliance, noted the developer of the Pole Bridge Forest is required to conduct a fall snake survey per the conditions of the Wildlife Permit from the NJDEP. He said the developer may request that the Commission waive that survey requirement but the Commission needs ensure that the studies are completed. He said that a 268-acre parcel adjacent to the Pomona Woods Preserve in Hamilton Township is under contract with NJDEP's Green Acres Program. He said the area is west of the Atlantic City airport. He said there aren't many big swaths of land left that aren't agricultural lands. He said he hopes the headwaters of the Black Run can be preserved.

### Adjournment

Commissioner Irick said Rutgers University and the Farm Bureau have teamed up and scheduled three information sessions on agrivoltaics.

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 10:25 a.m.

Certified as true and correct:

  
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Jessica Noble  
Executive Assistant

Date: August 14, 2024