

Disclaimer

These minutes reflect the actions taken by the Commission during its June 13, 2025 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 June 23, 2025.

PINELANDS COMMISSION MEETING

MINUTES

June 13, 2025

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=oXYP82IoX6w>

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., Deborah Buzby-Cope, Jerome H. Irick, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, Jessica Rittler Sanchez, Ryck Signor, 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

John Holroyd, Theresa Lettman and Douglas Wallner.

Call to Order

Chair Matos called the meeting to order at 9:30 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 May 9, 2025 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Buzby-Cope seconded the motion.

The minutes from the May 9, 2025 Commission meeting were adopted by a vote of 11 to 0.

Executive Director's Report

ED Grogan provided information on the following matters:

- The Personnel and Budget Committee is scheduled to meet on June 24th, at which time staff will review financial and personnel updates, including preliminary Fiscal Year 2026 budget figures. Additionally, an update on the Fenwick Manor rehabilitation project will be provided during the meeting. Currently, a structural engineer and an electrical engineer are in Fenwick Manor inspecting the building to prepare plans for the stabilization.
- The rule proposal that the Commission authorized at its April meeting has been reviewed by the Office of Administrative Law to ensure compliance with the state rulemaking process. Staff responded to questions and agreed to most of the suggested edits. The proposal will be published on June 16th. Notices will be shared with counties, municipalities and interested parties about the proposal and again providing notification of the public hearing scheduled for July 15th. Internal discussions continue in order to determine the best outreach mechanism so that everyone is aware of the rule proposal.
- A large Pinelands Development Credit (PDCs) severance occurred recently, and it permanently protected approximately 3,000 acres in Washington Township's Special Agricultural Production Area and added many PDCs to the market. Photographs of the cranberry farm will be featured in the PDC Bank's 2025 Annual Report, which will be issued in late August.
- The magnolia tree planted in memory of former Commissioner Ed Lloyd bloomed earlier this month. Photographs of the flowers were shared with Ed's family (see attached photos).

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

- Manchester Township is proposing to construct a 170-foot communications tower on a one-acre parcel located in Whiting. The application also proposed a five-car parking lot, two to three concrete pads for equipment and an access driveway since the parcel is located on an unimproved dirt road. There are known threatened and endangered (T&E) animal species in the vicinity of the parcel, necessitating a two-season drift fence survey. The Police Chief wrote to the Commission that this tower is necessary to maintain public safety in the community. Staff recommended the town modify the application to limit the

disturbance on the site to what is immediately necessary, which would require less T&E work. The two season drift fence survey could be completed in the future in order to pursue the other development initially proposed. Staff is waiting for an amended site plan.

- Staff recently spoke with the New Jersey Department of Environmental Protection (NJDEP) staff about the property on Magnolia Road in Pemberton Township where the owner dumped large quantities of fill on their parcel for an access driveway. The NJDEP recently conducted a site visit and reported that approximately 6,000 square feet of fill remains on the parcel. The property owner has denied Commission staff access to the site. Staff is in the process of scheduling a joint meeting on the matter that will include the township, the NJDEP and the neighboring property owner, the New Jersey Conservation Foundation.

April Field, Chief Permitting Officer, provided an update on the following applications:

- Staff is reviewing an application for a 650,000 square foot warehouse proposed on a portion of the former Atlantic City Race Course in Hamilton Township. On May 30th, staff sent a letter requesting additional information.
- Staff is reviewing T&E survey studies for a future residential subdivision on a parcel in Evesham Township. Staff will field verify wetlands once the applicant advises that the wetlands flagging is complete. Members of the public have shown interest in this property.

Ms. Field said on June 11th, staff organized and held a Zoom webinar for municipal officials and employees. The webinar focused on using the Pinelands Interactive Map, a mapping tool located on the Commission's website. She thanked Paul Leakan for handling the registration and facilitating the webinar.

ED Grogan commended April Field for delivering a flawless webinar, which was the Commission's first time conducting an online-only event.

Commissioner Lohbauer thanked Director Horner for remaining committed to resolving the dumping issue on Magnolia Road. He also thanked Emile DeVito for raising awareness of the matter when the actual dumping occurred.

Commissioner Rittler Sanchez suggested that maybe the Pinelands Municipal Council could hold their meetings via Zoom so members would not have to drive to meetings.

ED Grogan said first the Council must re-establish itself. She said staff has offered to help with circulating agendas and to facilitate remote meetings.

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

- The Commission is currently accepting Pinelands Conservation Fund (PCF) grant applications for land meeting specific criteria. Applications are due by September 19th. The Commission will be sending out multiple reminders to land preservation partners.
- As noted the past few months, Commission staff continued to offer suggestions to the NJDEP as they update their rules for administration of Pinelands Infrastructure Trust Fund (PITF) projects and allowable costs. A meeting is scheduled with Pemberton Township later this month about a previously approved PITF grant and loan associated with a redevelopment project.
- The June 27th Policy and Implementation Committee meeting will include discussion of the following: Stockton University's Master Plan, Dual Use Solar in the Pinelands Area and the Long-Term Economic Monitoring Work Plan.

Stacey Roth, Chief, Legal and Legislative Affairs provided a brief update on the following two litigation matters:

- We are still awaiting news on whether the Appellate Division will hear oral arguments or make a decision on the briefs related to Clayton Sand Company's appeal of the Commission's Water Management rule amendment (Kirkwood-Cohansey).
- The Attorney General's office filed a complaint against Artistic Materials in Superior Court earlier this year. NJDEP joined the litigation. The first Case Management Conference was held at the end of May. Discovery is about to begin.

Brad Lanute, Chief Planner provided an update on the State Plan and affordable housing:

- The cross-acceptance process is proceeding. The Office of Planning Advocacy (OPA) anticipated that all county submissions would be submitted by the end of May. Once OPA finishes reviewing those submissions, negotiations will begin between the State Planning Commission and each county's negotiating committee. Commission staff is scheduled to meet with OPA later this month to discuss the Pinelands Commission's role in the Pinelands National Reserve, specifically the areas located outside the Pinelands Area. The Commission has a Memorandum of Agreement (MOA) with the State Planning Commission that outlines the roles of the two agencies in the Pinelands National Reserve and in particular how State Planning Areas on the policy map are to align with Pinelands Management Areas. OPA expects to adopt an updated plan by the end of the year.
- As the fourth round of affordable housing gets underway, the Commission has begun receiving adopted Fair Share Plans from municipalities. It's anticipated that more plans will be submitted in the coming weeks. Municipalities must adopt their updated Fair Share Plans by the end of the month in order to maintain protection from builder's remedy litigation.

Paul Leakan, Communications Officer said as noted earlier, staff held a two-hour, virtual training session that was attended by 60 people, including municipal Planning and Zoning Board Secretaries, Zoning Officials and Land Use Administrators. We also had several members of the Department of Community Affairs in attendance.

He said that April Field covered a lot of ground while delivering a very informative presentation and demonstration on how to use our online Property Maps to answer frequently asked questions about the land development process in the Pinelands. The presentation has been posted on our website and all attendees were sent a link to the presentation, a link to the recording of the presentation on Zoom and a signed, digital training certificate so that they can obtain one technical hour toward their Planning/Zoning certificates.

He said staff continue to promote the 9th annual Pinelands Summer Short Course, which is set for Kramer Hall in Hammonton on July 18th. Approximately 70 people have registered so far, and we have another month to go.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution approving the following two public development applications: demolition of four structures at the former Burlington County College campus in Pemberton Township and the soil capping of a municipal landfill in Hamilton Township.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1981-2384.016 & 1984-1306.002) (See Resolution # PC4-25-14). Commissioner Irick seconded the motion.

Ernest Deman, Supervising Environmental Specialist, said Burlington County is proposing to demolish eight structures at the former community college site in Pemberton Township. He said only four of the structures require an application due to their age, 50 years or older. The county will recycle the applicable material and everything else will be disposed of at the Burlington County Landfill. The applicant has indicated that all hazardous material, including asbestos, has already been removed. The buildings to be demolished do not have any cultural significance.

He said the second application is for the placement of a soil cap at Hamilton Township's landfill. He said the landfill accepted waste through 1990. He said the Comprehensive Management Plan (CMP) states that if a landfill was operational after January 1981 in a Regional Growth Area, the landfill can be capped with a permeable surface as long as one of four standards required by the CMP can be met. He said if there was leachate plume associated with the landfill, it must be demonstrated that there is no significant ecological risk to nearby wetlands. The applicant provided detailed information about the plume that was reviewed by staff. The information found that the plume will not have a significant ecological risk on nearby wetlands. Additionally, the applicant had to undertake a T&E study for the red-headed woodpecker. During the survey, a red-headed woodpecker was called onto the site and then left. Additional survey work found no occurrence or nests related to the red-headed woodpecker. In order to meet the T&E standards, the applicant is proposing to maintain a 100-foot corridor around the entirety of the landfill property. That corridor contains mature forest and is habitat for the red-headed woodpecker.

Commissioner Lohbauer asked if Commission staff knows why the college is taking down the buildings in Pemberton.

Mr. Deman said there are no pending development applications with the Commission.

ED Grogan added that there are a number of rumors about future development at the site. She said the Commission did approve a redevelopment plan several years ago that allows for mixed use development.

Commissioner Rittler Sanchez said she is a visual person, and it would have been nice to have a diagram to see how close the buildings that are proposed to be demolished are to the stream corridor at the former college. She added that it would have been also helpful to see the proposed 100-foot corridor at the landfill site.

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

Chair Matos introduced a resolution for a Waiver of Strict Compliance.

Commissioner Mauriello made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1983-6352.003) (See Resolution # PC4-25-15). Commissioner Lohbauer seconded the motion.

Director Horner said the Commission previously approved the Waiver of Strict Compliance in 2017 and it has since expired. The applicant is proposing to build a single family dwelling on a parcel that does not meet the one-acre lot size requirement and the five-foot to seasonal high water table standard. The parcel is located in the village of Indian Mills in Shamong Township.

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

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

No one from the public provided comment.

Ordinances Not Requiring Commission Action

Mr. Lanute said staff reviewed seven ordinances and one master plan amendment last month that were found to raise no substantial issues. He highlighted the four Jackson Township items noted in the memo. He said the master plan amendment and two initial ordinances were adopted in late 2023 in response to a federal consent decree that involved Jackson Township and private legal settlements. He said the Commission was not a party to any of those legal proceedings. Staff only became aware of the ordinances after they were introduced to Council. Since that time, staff have worked closely with the Township to address provisions in Ordinance 30-23 that were inconsistent with CMP standards.

The amendments affected zones located in the Township's Regional Growth Area, Villages, and the Rural Development Area. They focused on permitting certain institutional use, such as houses of worship, primary and secondary schools, and institutions of higher learning as well as accessory uses like dormitories and residences for students and faculty.

Staff were concerned with the intensity of development allowed under the new provisions, ambiguities over bulk and area requirements, and potential negative impacts to the PDC Program.

After multiple meetings and exchanging many drafts, the Township adopted an ordinance in late May addressing all the CMP-related issues. The Township advised staff that the ordinance revisions were reviewed and approved by the Federal Department of Justice prior to adoption.

Other Resolutions

Commissioner Avery made a motion To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2026 at the Same Level of Expenditures as Fiscal Year 2025 until the Adoption of the Fiscal Year 2026 Budgets (See Resolution # PC4-25-16). Commissioner Rittler Sanchez seconded the motion.

ED Grogan explained that this is an annual resolution that allows the Commission to meet its continuing fiscal responsibilities until the Commission adopts a new budget. She noted that the resolution includes the expected budget appropriation to the Commission.

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

General Public Comment

John Volpa thanked the Commission for hosting the Permanent Land Preservation Summit that focused on accessible trails. He spoke about the importance of sanitary facilities at specific locations in the Pinelands Area to protect the Kirkwood-Cohansey aquifer from e-coli contamination. See attached comments.

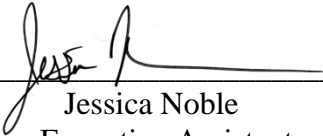
Jason Howell of the Pinelands Preservation Alliance (PPA) suggested the Commission provide additional details about the Clayton Sand Mine litigation for the benefit of members of the public.

Ms. Roth provided additional information on the Clayton matter. She said Clayton Sand Company challenged the Kirkwood-Cohansey rules. The rules include a provision about non-consumptive water use. Clayton felt the provision was vague and initiated litigation. The briefing occurred and the Commission has been waiting since January for a determination from the Appellate Division. If the Court sides with Clayton, the rules would be deemed ultra vires and come back to the Commission. PPA is a friend of the court on this matter.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:20 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: June 23, 2025