

Disclaimer

These minutes reflect the actions taken by the Commission during its May 10, 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 May 16, 2024.

PINELANDS COMMISSION MEETING

MINUTES
May 10, 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=YLOARs-LqKs>

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., Dan Christy, Jerome H. Irick, Theresa Lettman, Mark Mauriello, 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

John Holroyd & Mark Lohbauer.

Call to Order

Chair Matos called the meeting to order at 9:31 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 April 12, 2024 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Irick seconded the motion.

Commissioner Wallner said that the discussion of the proposed Evesham Memorandum of Agreement in the April minutes refers to the Lydia Schaefer bog. The correct name is Lower Schaefer bog. He also asked that the minutes be clarified to indicate that he referred to an alternate route (the black trail) as providing access to two scenic vistas and interpretive signs.

Commissioner Rittler Sanchez said she would like the minutes to be revised to clarify a portion of Director Charles Horner's summary of the Atlantic County Board of Agriculture meeting on page PC2-31. She asked that the minutes state that the "construction of" barns does not require application to the Commission.

Commissioner Pikolycky and Commissioner Irick agreed to the suggested edits.

The minutes from the April 12, 2024 Commission meeting were adopted by a vote of 10 to 0. Commissioner Lettman abstained.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the demolition of a potable water well house and the construction of a replacement potable water well house in Medford Township.

Commissioner Rittler Sanchez made a motion Approving With Conditions an Application for Public Development (Application Number 2024-0026.001) (See Resolution # PC4-24-08). Commissioner Asselta seconded the motion.

Director Horner said Medford Township is replacing the existing potable water well house with a new one.

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

Chair Matos introduced a resolution approving the development of an irrigation well and a water well for vehicle maintenance at Stockton University.

Commissioner Avery made a motion Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.084 & 1981-1833.085) (See Resolution # PC4-24-09). Commissioner Irick seconded the motion.

Director Horner provided relevant details of a Memorandum of Agreement (MOA) that the Commission entered into with Stockton University in 2015. He said the MOA designated certain areas of the campus for development and other areas for conservation and a deed restriction was placed on the conservation area. He said unfortunately the mapping of the restricted area was not

as clear as it should have been and over time development occurred in the restricted area. He said roads, sidewalks and a pump station were developed in the restricted area and without application to the Commission. He said a process to revise the deed restriction must be completed for the development to comply with the Comprehensive Management Plan (CMP) and for the Commission to approve the development that occurred without application. He said the New Jersey Department of Environmental Protection (NJDEP) holds the rights to the restriction and will be holding a public hearing on June 3rd on the University's request for release of certain lands from the restricted area.

ED Grogan added that the applications being acted on today are not in the conservation area. Given the progress made to date on revision of the deed restriction, staff felt it was appropriate for these two applications to move forward for Commission action.

Stacey Roth, Chief, Legal and Legislative Affairs, offered the following clarification. She said the Pinelands Protection Act does not give the Commission the authority to hold property rights. She said the NJDEP holds the property rights and the Commission is listed as a third party beneficiary with the right to enforce. She noted that the June 3rd public hearing will be held virtually at 6:00 p.m. and the full notice is posted on the Commission's website and NJDEP's website. She said the deed restriction filed in 2010 relied on colored maps to define the restricted area. She said it was difficult to interpret in the field. She said staff worked with Stockton University to produce a GIS based map that clearly outlines the boundaries of the deed restriction.

Commissioner Rittler Sanchez asked about the delivery method for the irrigation system and if it would be a drip or spray system.

Ernest Deman, of the Regulatory Programs Office, said he did not know if the irrigation system would be drip or spray but it would be installed at the entrance of Stockton University at Jimmie Leeds Road to water native vegetation, trees and shrubs.

Commissioner Rittler Sanchez said from a water conservation standpoint it would make more sense to use drip irrigation.

Commissioner Rittler Sanchez asked if gray water was considered rather than potable water for the proposed well that will be used for vehicle maintenance. She said there must be access to gray water in the vicinity of the area.

Director Horner said this application is for a replacement well immediately adjacent to a maintenance building.

Mr. Deman said the well will be adjacent to the building; however, the building is located on Pomona Road and in a very isolated section of the campus.

Director Horner also confirmed for Commissioner Rittler Sanchez that the well would be drilled in a new hole. He added that the CMP does not require an applicant to evaluate the possibility of using grey water. He said Commission staff review an application based on the standards of the

CMP. He said during the application process, staff can offer suggestions but it's difficult to do that once the application process is almost complete.

Commissioner Rittler Sanchez said staff may want to inquire about alternatives, especially in this instance where the applicant is asking for special accommodations.

She asked if the NJDEP has water quality regulations or permit requirements related to the washdown maintenance activity. She is concerned about runoff of hydrocarbons and oils.

Director Horner said he does not know but he would find out if NJDEP had any relevant regulations.

Commissioner Mauriello asked for confirmation that the two well applications are not in the deed restricted area of Stockton University.

ED Grogan said that's correct, the wells are outside of the deed restricted area. She said the only connection is that there are outstanding violations on the Stockton campus that have complicated the application process.

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

Planning Matters

Chair Matos introduced a resolution to certify Medford Township Ordinance 24-02.

Commissioner Avery made a motion Issuing an Order to Certify Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01 (See Resolution # PC4-24-10). Commissioner Pikolycky seconded the motion.

ED Grogan provided an overview of the Commission's first subregional planning effort that included the site of Manchester's proposed Redevelopment Plan. She said in the early 2000s, the Commission was aware of the critical ecological habitat located in the Toms River Watershed in both Jackson and Manchester Townships. The Commission created a Task Force that included representatives from Ocean County, the NJDEP, several non-profit organizations, the Pinelands Preservation Alliance, Jackson and Manchester Townships and a number of technical experts. The Task Force took an in-depth look at the 17,000 acres that encompassed the Toms River Corridor, which was comprised of several different Pinelands Management Areas and an active mining operation. She said conservation area planning occurred, including the reduction in size of the Regional Growth Area and other downzoning. The Toms River Corridor Plan also identified approximately 2,000 acres for acquisition and permanent preservation. She said Pinelands Conservation Funds (PCF) and other land preservation partners were used in this effort. She said the other key recommendation of the Toms River Corridor Plan was for the protection of threatened and endangered plants and animals due to the high concentration in the area. She said Jackson Township implemented an additional 300-foot buffer along the Toms River Branch in the north and a 300-foot buffer along the Ridgeway Branch in the south. She said Manchester Township created a smaller wildlife management corridor due to the existing

and in progress development in the area. She said much of the planning and preservation has already occurred in the area and in the next discussion you will see that the Redevelopment Plan involves one of last areas slated for development. Maps that were displayed during the presentation are attached.

Chief Planner Brad Lanute said Manchester Township adopted Ordinance 24-02 in January. He said that the ordinance adopts a redevelopment plan for two contiguous lots, totaling 224 acres in the Township's Regional Growth Area. He said the site was formerly used as a resource extraction operation. He said the redevelopment area is bordered by an existing rail line to the southeast, tributary to the Ridgeway Branch of the Toms River to the southwest, a parcel preserved by Ocean County to the north, and a recycling center and asphalt plant to the northwest in Jackson Township. He noted that an existing, private, two-lane road known as Freemont Avenue crosses the northern border of the redevelopment area and the Renaissance residential development, which is located outside of the Pinelands Area and has an easement to use Freemont Avenue.

Mr. Lanute stated that the plan establishes an optional overlay zoning district comprising the entire redevelopment area. He said the current, underlying zoning would remain in effect if the redevelopment plan were not implemented. He reviewed the permitted uses in the optional overlay zone, which include: light industrial uses, warehouses, distribution centers, wholesaling, flex space, indoor recreation, scientific and research facilities, business or professional offices, and indoor agriculture. Conditionally permitted uses include online commerce businesses and outdoor recreation. For those uses other than outdoor recreation, a maximum gross floor area of 1.2 million square feet is permitted within the redevelopment area. Outdoor recreation uses are limited to four acres and must be associated with the adjacent Renaissance community. He added that all buildings must be able to support rooftop solar.

Mr. Lanute reviewed the Pinelands Development Credit (PDC) component of the Redevelopment Plan. He said PDCs are required to be redeemed at a rate of one quarter (1/4) PDC for every 11,500 square feet of gross floor area. For outdoor recreation, PDCs are required to be redeemed at a rate of one quarter (1/4) PDC for every 1.34 acres.

Mr. Lanute displayed the concept plan. He said that the concept plan proposes warehouses in the southern portion of the redevelopment area as well as an 88-acre conservation area in the northern portion of the redevelopment area, which is contiguous with the preserved land to the north. The redevelopment plan requires a conservation area in recognition of known critical habitat for threatened and endangered species within the area. The plan requires that prior to any development, a conservation area must be permanently protected through a deed restriction. No development would be permitted in the deed-restricted conservation area, except for the removal of Freemont Avenue as required by the redevelopment plan. The exact conservation area will be established during the application process.

Mr. Lanute described the existing, underlying zoning. He stated that the entirety of the redevelopment area is located in the Township's Pinelands Environmental Development-1 (PED-1) District. He described how the creation of the PED-1 District as well as the contiguous PED-9 District within Manchester and contiguous PED-1 and PED-9 Districts in Jackson Township

stemmed from recommendations from the Toms River Corridor Plan to maximize the protection of threatened and endangered species habitat while still allowing development on less critical portions of the tract. This included incentives to concentrate all development potential of the PED Districts to the PED-1 District in Manchester Township, which aligns with the boundaries of the redevelopment area under review. Manchester Township's PED-1 District currently permits a planned retirement community of up to 385 units that would require the redemption of PDCs for 30 percent of the market-rate units. This provides an opportunity for the use of up to 105 rights.

Mr. Lanute stated that the opportunity to develop up to 385 units in the PED-1 Zone of Manchester continues now and if the redevelopment plan is adopted. However, based on recent application activity, it is anticipated that the site will likely be developed for non-residential uses. He stated that given the prior zoning of the area as Pinelands Office, Research, and Light Industrial as well as surrounding non-residential uses in Jackson Township, residential or non-residential uses would be appropriate in the area. He also stated that if the proposed development of 1.2 million square feet of non-residential buildings is approved under the plan, it would require the redemption of 105 PDC rights, aligning with the current PDC potential under the current PED-1 Zoning.

He said the Commission held a public hearing on the ordinance and staff is recommending adoption of the Redevelopment Plan.

Commissioner Rittler Sanchez asked about the distance from Freemont Road to the nearest major highway. She said she wanted assurance that the location of the proposed warehouse was viable and suitable related to the transportation of goods.

Mr. Lanute said although he didn't know the exact distance, vehicles leaving the warehouse would exit onto Hope Chapel Road and connect to Route 9 and to the south, the nearest major highway is Route 70. He added that the redeveloper is very interested in the site and determined that the site is fitting for its needs.

Commissioner Wallner asked if threatened and endangered species studies were completed on the entirety of the PED-1 zone. He said some of the public comment received stated that the disturbed area had been surveyed but the forested portion of the parcel had not been surveyed.

Mr. Lanute said that there have been extensive threatened and endangered species studies conducted on the site spanning over a long period of time.

Director Horner provided additional information related to the survey work. He said the extensive survey work on the multiple parcels ultimately led to the rezoning in 2008. He said based on the results of the threatened and endangered surveys, it was determined that the area south of Freemont Road was not critical habitat. He said there was a delay in moving forward with development on the site that caused staff to require additional survey work when the application became active in 2021. He said during survey work in 2021 or 2022, staff limited the area of survey work to only include what was thought to be critical habitat. He noted that the species was found on the south side of Freemont Road. He said that discovery led to the proposal

of an expanded conservation area identified on the concept plan. He said the forested area was not re-surveyed because staff felt that it was not potential critical habitat for the concerned species.

Commissioner Rittler Sanchez asked about the rail line depicted on the concept plan.

Commissioner Avery said he believes that the rail line is the mainline of the central line of New Jersey, a former freight line previously operating from Woodmansie Junction to Lakewood, where it connects to an Amtrak line. He said although the rail line was partially renovated, there is no active train currently operating on the line.

The resolution was adopted by a vote of 10 to 0. Commissioner Wallner abstained.

Committee Reports

Chair Matos provided a summary of the April 26, 2024 Policy and Implementation Committee meeting:

The Committee approved the minutes of the February 23, 2024, meeting.

Staff presented findings on Manchester Township's Ordinance 24-02, adopting a redevelopment plan within the Township's Regional Growth Area.

The Committee next heard two presentations related to the Pinelands Conservation Fund. The first presentation summarized key takeaways from the second annual Land Preservation Summit, which was hosted at the Commission's offices on April 4, 2024. Staff discussed their intent to open a new round of PCF land acquisition grants in early May. The new round would offer \$3 million in grant funding. Committee members were supportive of the schedule and funding level.

The second presentation summarized staff findings from five stewardship monitoring visits conducted at five sites preserved through the Pinelands Conservation Fund. Visits were conducted by staff between November 2023 and January 2024. No formal action was needed by the Committee.

ED Grogan provided a summary of the April 17, 2024 Climate Committee meeting:

Staff presented information on the latest New Jersey Board of Public Utilities solar facility programs and other climate-related legislation. The Committee also received updates on office initiatives, including the electric vehicle charging station and the planned analysis of economic impacts around recommended zoning changes in certain Pinelands Villages and Regional Growth Areas to address climate change. Staff delivered an extensive overview of the NJDEP draft Statewide Water Supply Plan.

Executive Director's Report

ED Grogan provided information on the following matters:

- Ocean County re-appointed Alan Avery for a three-year term on the Commission.
- Amber Mallm was introduced. She began working in the Commission's Land Use Programs office earlier this week.
- The Fenwick Manor rehabilitation project is moving slowly. Marc Paalvast, the Commission's Archaeologist, has prepared the final documents required by the New Jersey Historic Trust in preparation for the grant agreement to be signed. Treasury is currently preparing the scope of services.
- Staff will begin to prepare initiatives and work plans as the Fiscal Year 2024 is ending and the Fiscal Year 2025 begins.

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

- Mullica Township filed an application to construct a new public safety building at their existing municipal complex located on the White Horse Pike. Staff will be coordinating the review with the Atlantic County Improvement Authority, which cannot go out to bid on the proposal until the design has been finalized.
- During the April Commission meeting, staff provided information about Tabernacle Township's request to demolish its municipal building due to public safety concerns. Since that meeting, the Commission's ED consulted with the Chair and issued an emergency authorization letter permitting the demolition of the municipal building. An injunction was issued and the municipal building has not been demolished to date.
- Staff continue to assist the Town of Hammonton regarding its application to use herbicide in Hammonton Lake. Staff requested information about the effect of subsurface drift of the herbicide related to the threatened and endangered plant species. Hammonton officials have contacted a number of lake management experts to obtain this information.
- A large residential development in Barnegat Township that is approximately halfway constructed encountered a stormwater management failure. The developer's engineer submitted an approach that met the Commission's stormwater management standards. The matter is now between the developer and the Township, but the Commission continues to be involved due to conflicts that have arisen between the residents of the development and the township

Commissioner Rittler Sanchez asked if there was an update on the Pemberton Township violation.

Director Horner said the property owner who improved an access driveway on Magnolia Road submitted a significant amount of information related to the wetlands violation. Staff was able to determine that the fill material originated from a construction site in Jersey City. However, the submitted information does not appear to address whether the fill contains contaminants that would degrade surface or groundwater. Therefore, staff will most likely be requesting the applicant to provide soil testing results.

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

- The latest round of Pinelands Conservation Fund grant monies is now open. Applications must be submitted before September 16, 2024.
- Comments on the Statewide Water Supply Plan were submitted to the NJDEP and shared with Commissioners.
- Staff is finalizing the Long-Term Economic Monitoring task agreement that will eventually be submitted to the National Park Service. The task agreement will be discussed at the May 31st Policy and Implementation Committee meeting.

Commissioner Christy signed off the meeting at 10:35 a.m.

Stacey Roth, Chief, Legal and Legislative Affairs, said the Commission works closely with NJDEP's Transactions and Lands Management office as it relates to the release of a Commission deed restriction. She said the NJDEP will not release a deed restriction without a letter from the Commission. Additionally, all deed restrictions that need to be lifted are subject to the New Jersey Conservation Restriction and Historic Preservation Restriction Act, which requires a hearing process and approval by the NJDEP Commissioner.

Ms. Roth said Stafford Township submitted information related to its proposed Memoranda of Agreement for Forecastle Lake Trail.

Mr. Lanute providing the following two updates:

- Staff continue to track and provide outreach to municipalities regarding the adoption of the Kirkwood-Cohansey rules and NJDEP's stormwater management rules within the target date of July 17, 2024.
- The Interagency Council on Climate Resilience recently released its Draft Extreme Heat Resilience Action Plan. The final plan is expected to be available in mid-June, following the close of the public comment period on May 20th.

Paul Leakan, Communications Officer provided information on two upcoming events:

- A Pinelands training session is scheduled for May 15th at Kramer Hall in Hammonton. During the event, Commission staff will deliver six presentations on the application

review process, CMP standards, zoning and the PDC program. Currently, 66 municipal officials have signed up.

- The Pinelands Summer Short Course is scheduled for June 28th, and eleven presentations and four field trips will be offered during the event.

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 two ordinances that did not raise substantial issues. One was for Pemberton Township, which rescinded the Lakehurst Road Redevelopment Plan. The other ordinance was submitted by Waterford Township and is related to Medical Marijuana Alternative Treatment Centers.

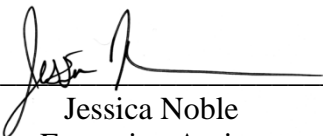
General Public Comment

Heidi Yeh of the Pinelands Preservation Alliance (PPA) said the Commission's protected plant list needs to be updated and it should be added to the Commission's upcoming work plan. She thanked Susan R. Grogan and Kim Laidig for attending a recent New Jersey Plant Partnership meeting. She also invited Commissioners and staff to PPA's second annual science forum scheduled for June 13th.

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:44 a.m.

Certified as true and correct:



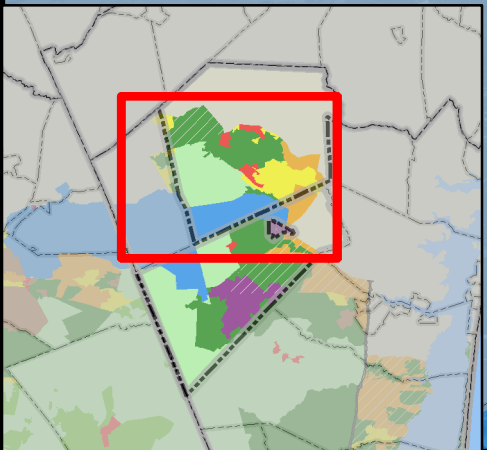
Jessica Noble
Executive Assistant

Date: May 16, 2024

Toms River Corridor Plan Study Area

Toms River Corridor Plan

-  Study Area
-  Municipal Boundaries
- Pinelands Management Areas**
 -  Preservation Area
 -  Forest Area
 -  Rural Development Area
 -  Pinelands Village
 -  Pinelands Town
 -  Regional Growth Area
 -  Federal or Military Facility



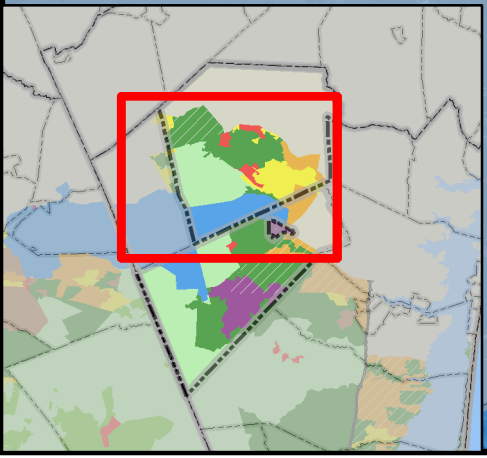
Toms River Corridor Plan Implemented Management Area Changes

Toms River Corridor Plan


- Study Area
- Municipal Boundaries
- Management Area Changes

Pinelands Management Areas

- Preservation Area
- Forest Area
- Rural Development Area
- Pinelands Village
- Pinelands Town
- Regional Growth Area
- Federal or Military Facility



Toms River Corridor Plan

 Study Area

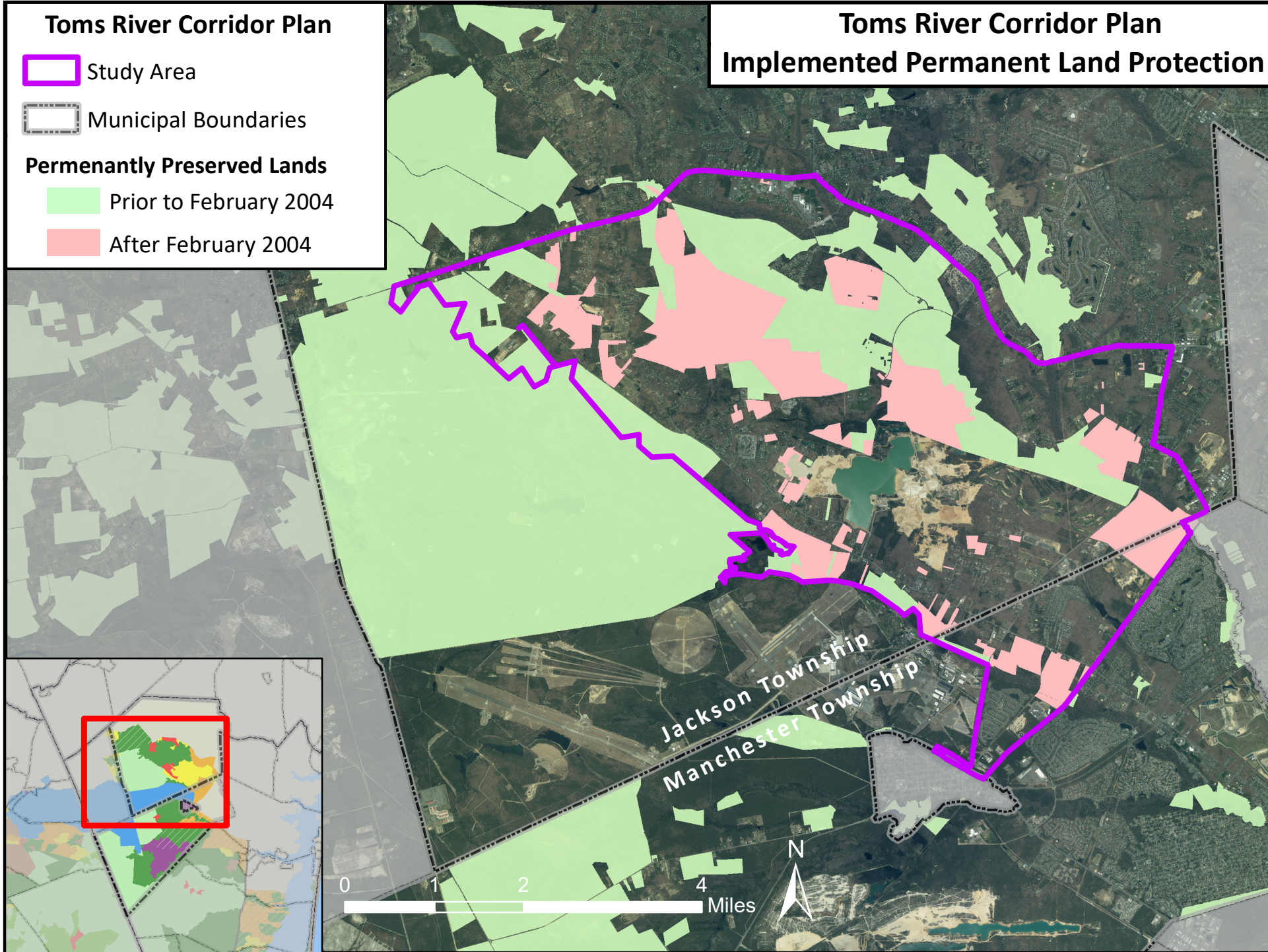
 Municipal Boundaries

Permanently Preserved Lands




 Prior to February 2004

 After February 2004

Toms River Corridor Plan Implemented Permanent Land Protection



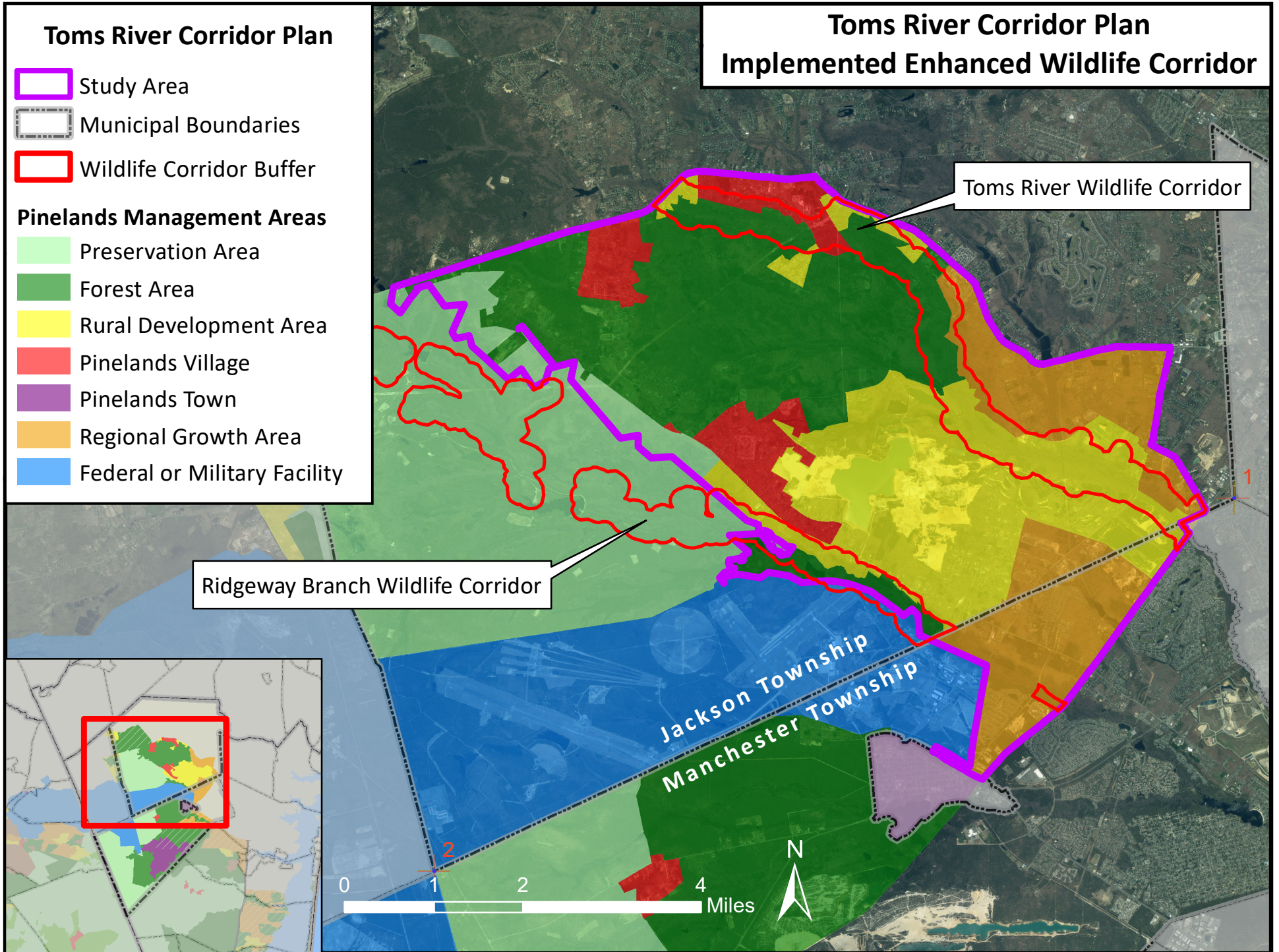
Toms River Corridor Plan

-  Study Area
-  Municipal Boundaries
-  Wildlife Corridor Buffer

Pinelands Management Areas











-  Preservation Area
-  Forest Area
-  Rural Development Area
-  Pinelands Village
-  Pinelands Town
-  Regional Growth Area
-  Federal or Military Facility

Toms River Corridor Plan Implemented Enhanced Wildlife Corridor



Toms River Corridor Plan Study Area

Toms River Corridor Plan

-  Study Area
-  Municipal Boundaries
-  Manchester Ord. 24-02
Redevelopment Area
- Pinelands Management Areas**
 -  Preservation Area
 -  Forest Area
 -  Rural Development Area
 -  Pinelands Village
 -  Pinelands Town
 -  Regional Growth Area
 -  Federal or Military Facility



Jackson Township
Manchester Township

0 1 2 4 Miles



Manchester Township Ordinance 24-02

Pinelands Management Areas

Rural Development Area

Regional Growth Area

Municipal Boundaries

Redevelopment Area

Municipal Zoning Boundary

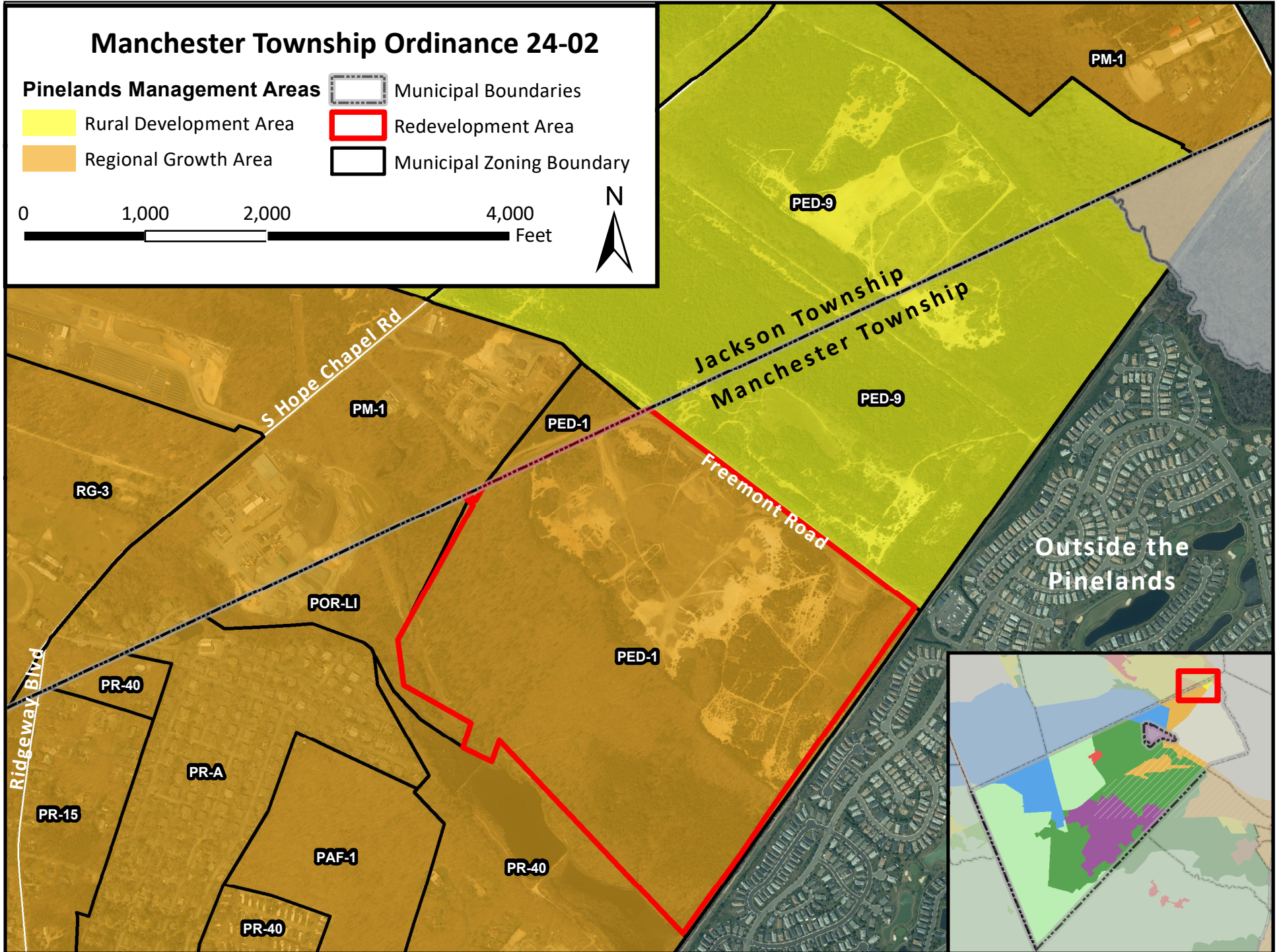
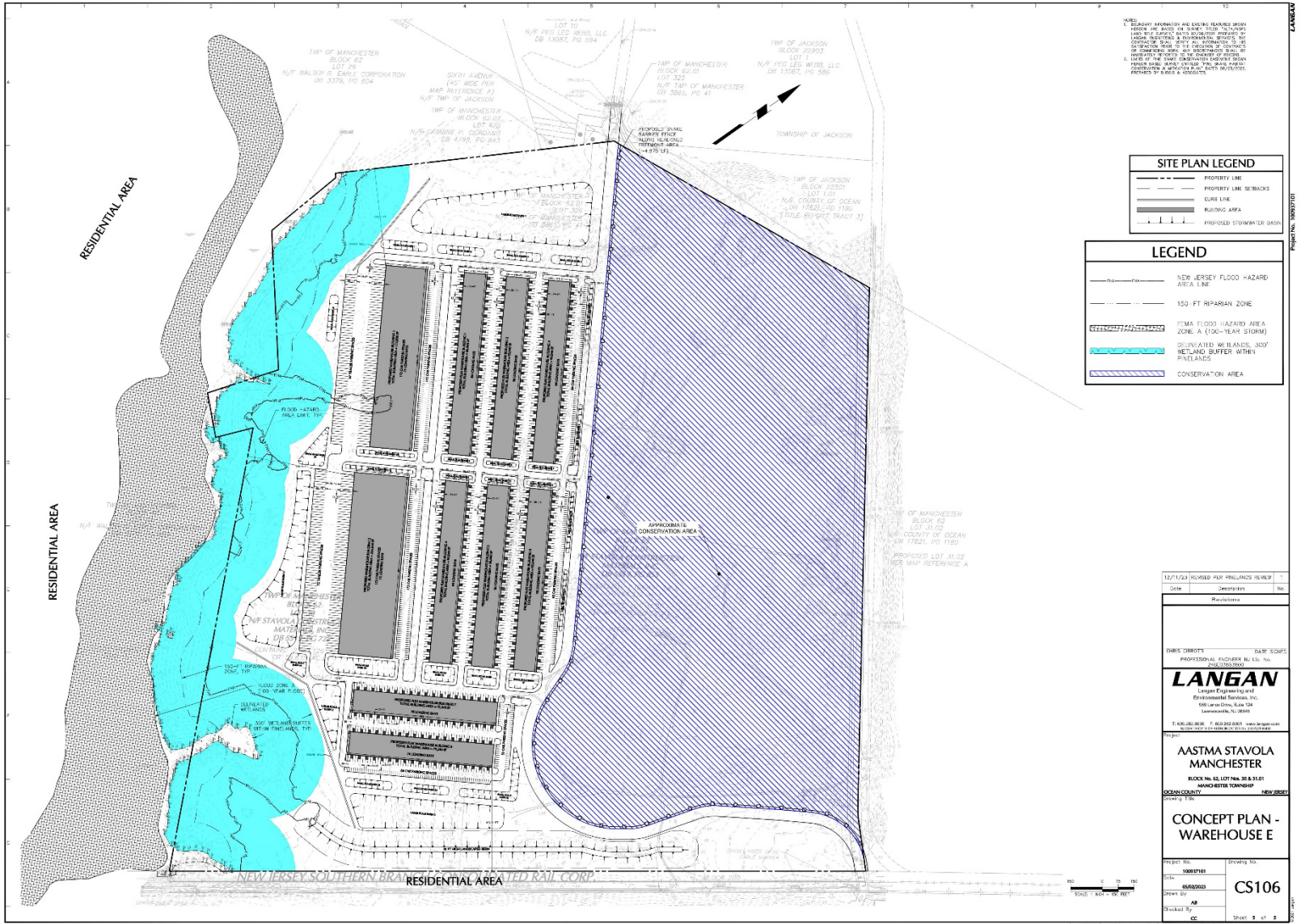


Figure 6 – Illustrative Concept Plan



Excerpt Map from
A Regional Natural Resource Protection Plan for the Toms River Corridor (2004)

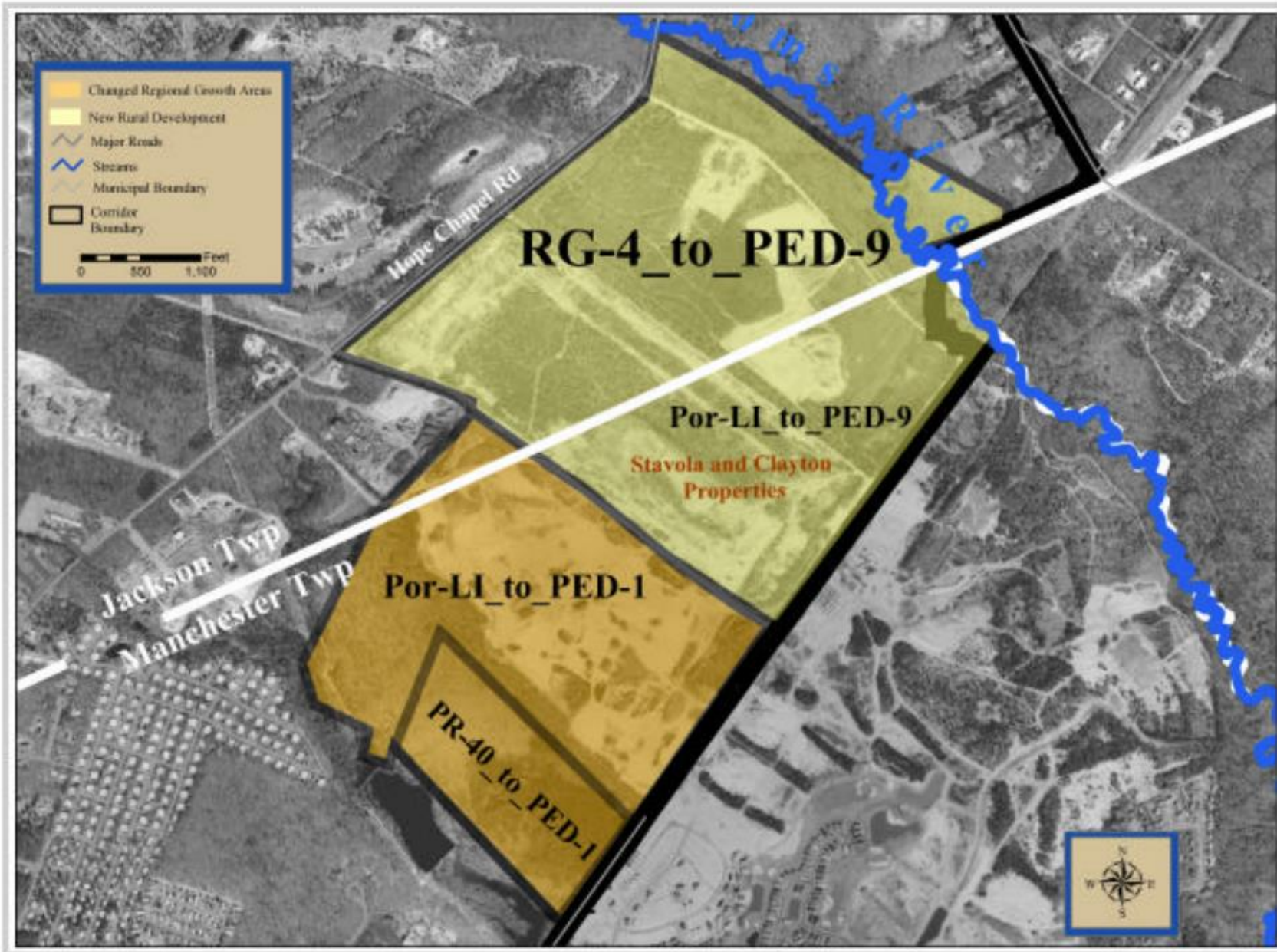


Figure 12. Proposed Changes Associated with the Planned Environmental Development (PED) Zone.