

Disclaimer

These minutes reflect the actions taken by the Commission during its May 9, 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 May 14, 2025.

PINELANDS COMMISSION MEETING

MINUTES  
May 9, 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=t2OFiL8Gp2M>*

Commissioners Participating in the Meeting

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

Commissioners Absent

John Holroyd, Theresa Lettman and Jonathan Meade.

Call to Order

Chair Matos called the meeting to order at 9:32 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 11, 2025 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Rittler Sanchez seconded the motion.

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

### Committee Reports

Chair Matos provided a summary of the April 30, 2025 Policy and Implementation Committee meeting:

The Committee approved the minutes of the March 28, 2025 meeting.

The Committee heard four presentations from staff.

The first presentation discussed the Pinelands Conservation Fund (PCF) Land Acquisition program. Staff asked for Committee feedback on the project priorities, funding levels and the anticipated schedule for a new round of grant offerings. Commissioner Matos suggested engaging legislators to share the application information.

Staff reported on the Commission's 2025 Permanent Land Preservation (PLP) Summit held April 3, 2025, that was focused on creating accessible trails in the Pinelands Area.

Staff also reported on stewardship monitoring visits to three sites preserved using PCF grants.

Lastly, the Committee received an overview of the New Jersey Department of Environmental Protection (NJDEP) Wetlands Mitigation Rule Proposal and the potential impacts to the Commission activities and to preservation of wetlands in the Pinelands Area.

### Executive Director's Report

ED Grogan provided information on the following matters:

- The contract with Connolly & Hickey Historical Architects for the Fenwick Manor rehabilitation project has been signed. A meeting has been scheduled for May 13th to discuss the next steps of the project.
- The Comprehensive Management Plan (CMP) rule amendments that the Commission authorized at its April meeting have been submitted to the Office of Administrative Law (OAL) for publication in mid-June. A public hearing has been tentatively scheduled for July 15.

- Atlantic County has re-appointed Commission Irick for another three-year term. Commissioner Rittler Sanchez asked if meetings have been scheduled with municipalities and interested parties related to the rule proposal.

ED Grogan said staff will wait for official publication of the rule and additional internal work needs to occur before those meetings can be scheduled.

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

- Burlington County submitted an application proposing a roundabout in Shamong Township. The application has generated public interest and the Commission has received numerous comments. A summary of the Commission staff's response to the public comment can be found in the April Management Report. The Commission's regulations do not specify the type of intersections that must be used in the Pinelands Area. All applications must meet the standards outlined in the CMP, including wetlands, threatened and endangered (T&E) species and cultural resources.
- The Hamilton Township Landfill soil capping application is up for comment today. The applicant revised its application to address T&E species. The landfill is located in the Hamilton Business Park in Mays Landing.
- As noted during the Commission's April meeting, staff is reviewing an application for the construction of a bridge over County Route 539 that is located in Ocean County and traverses through the Joint Base McGuire-Dix-Lakehurst. The Commission received a letter from the Base Commander advising that the proposed road improvements benefit the military's mission and the improvement would be located entirely on Joint Base property, therefore they would not need Commission approval. Staff requested clarification as to who owns the Route 539 right-of-way. Based on preliminary information it appears that the right-of-way is located on an easement that is part of the Joint Base property. If that is the case, the Base Commander could waive the obligation to apply to the Commission by determining that the project is necessary for national security.

April Field, Chief Permitting Officer, said that on April 29<sup>th</sup>, Ernest Deman of the Commission's Regulatory Programs office coordinated a successful training session with NJDEP Land Use employees. She said Mr. Deman reviewed the difference between the Pinelands National Reserve and the Pinelands Area, development that requires an application to the Commission, and exempt activities. Staff also reviewed Commission-issued documents, website tools and existing Memoranda of Agreements.

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

- A new round of PCF acquisition funding is available for projects that meet certain qualifications. Applications will be accepted through September 19, 2025.
- Staff are in the process of developing a framework required to draft rules related to accessible trail standards, which were a focal point of the PLP Summit. Staff recently met with Burlington County related to a proposed regional multi-module trail, of which 25 miles are located in the Pinelands Area. Staff advised County representatives that wetland areas and preserved lands would not facilitate a trail system.
- The NJDEP continues to update its rules related to Infrastructure Trust funding. Pemberton Township is in the process of utilizing funds from the Pinelands Infrastructure Trust Fund to make improvements to its water distribution system. In 2019, the Commission prioritized a list of projects to utilize the funding, one of which was Pemberton Township's project.

Stacey Roth, Chief, Legal and Legislative Affairs, provided an update on the following matters:

- Pemberton Township has begun construction on the Pemberton Lake Accessible trail that was approved through a Memorandum of Agreement (MOA).
- Stafford Township provided photographs of trees that were recently planted as part of its offset for the MOA the Commission entered into with the town for accessible trails at Forecastle Lake Park. A photograph of the revegetation can be seen in the April Management Report.
- Financial Disclosure Statements must be filed by May 15<sup>th</sup>.

Brad Lanute, Chief Planner, noted that conformance has slowed dramatically and it's most likely the result of municipalities preparing their affordable housing plans, which must be completed by June 30.

Paul Leakan, Communications Officer provided the following updates:

- The Commission's 2<sup>nd</sup> annual municipal training session is scheduled for June 11<sup>th</sup>. Forty municipal professionals have already signed up and will be eligible for one hour of a continuing education credit from Rutgers University. This year's session will focus on use of the Pinelands Interactive Map and how it can be used to answer questions about the land development process in the Pinelands.
- The Pinelands Summer Short Course is scheduled for July 18<sup>th</sup> at Kramer Hall in Hammonton and will feature 11 presentations and four field trips.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution approving four Public Development applications.

Commissioner Pikolycky made a motion Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.093, 1989-0466.015, 1990-0317.004 & 2021-0269.001) (See Resolution # PC4-25-12). Commissioner Rittler Sanchez seconded the motion.

Director Horner provided a brief overview of the four applications. He said Stockton University is proposing the construction of a new elevated potable water storage tank. He noted that the application was previously authorized under the emergency provision in the CMP that permits the Executive Director to authorize development in emergency situations, after consultation with the Commission Chair. He said the storage tank is for fire safety.

He said the second application is for the replacement of a restroom building at Belleplain State Forest.

He said the third application is for the demolition of a small public works building in Medford Township.

Lastly, Gloucester County is proposing road improvements to reconfigure a four-way intersection in Monroe Township.

Commissioner Lohbauer asked if the restroom slated to be demolished was reviewed for cultural resources.

Director Horner said the bathroom was found to have no significant cultural resource.

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

Chair Matos introduced a resolution approving an application for installation of an artificial turf field in Hamilton Township.

Commissioner Irick made a motion Approving With Conditions an Application for Public Development (Application Number 1981-2437.019) (See Resolution # PC4-25-13). Commissioner Mauriello seconded the motion.

Director Horner said the proposal is for the installation of artificial turf playing field at the Atlantic County Institute of Technology, which is located in the Hamilton Township Business Park. The artificial turf field is located adjacent to other existing fields.

Ms. Roth reminded Commissioners that when voting, the Commission must consider if an application is consistent with the requirements of the CMP. She said the regulations do not pertain to building materials.

Commissioner Rittler Sanchez said Commissioners have had discussions at the P&I Committee meeting and other meetings related to environmental concerns associated with artificial turf. She said the materials in the artificial turf are toxic to aquatic life, not safe for humans, the turf only last about 10 years, and there is no reuse of the materials once the turf is removed. She said she would like the CMP to be amended to include rules related specifically to artificial turf fields

or implement a moratorium on artificial turf in the Pinelands Area. She noted the two bills related to banning artificial turf that are in the Senate and Environmental Committee. She said the Commission does not have to wait for the bills to move. She said this is an instance where the CMP has not evolved over time to address concerns associated with artificial turf playing fields. She also raised concern about the heat island effect already generated from the existing industrial park where the artificial turf field is proposed.

Commissioner Lohbauer said he agrees that the Commission cannot regulate building materials, as stated by Ms. Roth and noted in the Public Development Report. He said that the Commission has an obligation to address the comments raised by a member of the public on this application. He said, for example, the public commenter stated that artificial turf contains contaminants, including heavy metals, and may have a negative health effect on those who play on the turf. He said the response to comment provided by staff does not state that the comments provided are untrue. He said 7:50-6.11 of the CMP states that no development shall be approved unless it's demonstrated that there is no violation of groundwater quality standards. He said the applicant should be tasked with demonstrating that there is no violation of the groundwater quality standards. He said the report states that the project will be serviced by public sanitary sewer, but that does not address the issues raised by the commentor. He said the application should be tabled until the applicant can address the standard.

Director Horner provided a response to some of the concerns raised. He said stormwater management facilities are proposed to be constructed directly under the artificial turf playing field, and another stormwater facility that is located adjacent to the proposed field will be modified. He said the nearest watercourse is located approximately three-quarters of a mile from the proposed field. He said when similar concerns were raised in the past about artificial turf fields, staff researched the matter and the results were inconclusive.

Director Horner said issues can be raised with any type of building materials, include asphalt used for roads and construction products related to housing and commercial buildings. He said the only way to address the matter is by amending the CMP to contain specific standards.

Director Horner said if the Commission does not approve the application today, it will be sent to OAL. He said OAL will make a determination on whether or not the application meets the standards of the CMP and render a decision.

He said if the Commission chooses to not vote on the application or if the Commission is requesting additional information, staff could ask the applicant if it agrees to delay the vote on the application.

ED Grogan said in the past when the Commission has tabled an application, it is generally to provide an opportunity for staff to discuss an outstanding question or a requested revision with the applicant. That does not appear to be the case with this application. She said she would not suggest tabling the application but it's the Commission's decision.

Commissioner Mauriello said artificial turf fields have been debated for over 20 years and the research conducted by the Environmental Protection Agency and Center for Disease Control has

been inconclusive. He said it's important to operate within the constraints of the regulations and authority that an agency has. He said asking the applicant to agree to an extension might not accomplish anything. He said the first thing OAL will review is the Commission's authority.

Commissioner Mauriello added that the EPA and the NJDEP have the authority to identify emerging environmental concerns that pose a threat to human health, and there has not been a consensus on artificial turf fields. He said a broader approach may be warranted, including a review of existing science, expert research and the Commission's authority.

Commissioner Rittler Sanchez stated that she has been doing her own research on this issue. She also said the Commission might need to consider the potential negative impacts of artificial turf fields on Pinelands sod farmers.

Commissioner Lohbauer said the Commission does have the authority under 7:50-6.11 of the CMP. He said the Commission should ask the applicant to demonstrate that the artificial turf will not result in a violation of groundwater quality standards. He said although the language is broad, the applicant should be required to meet this standard.

Chair Matos said this Commission has voted and approved other artificial turf field applications in which we did not require the applicant to do additional work after their application has been deemed complete by staff. She said it's not fair to require this specific applicant to do something different and could put the Commission at risk for retaliatory action.

Commissioner Lohbauer said the Commission is not bound by prior decisions. He said in the prior artificial turf applications, no one raised the issue of contaminants and heavy materials. He said the Public Development report does not refute that information and the Commission has an obligation to respond to the information.

The resolution was adopted by a vote of 8 to 3. Commissioner Rittler Sanchez, Commissioner Lohbauer and Commissioner Wallner voted no.

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

Chair Matos read the list of Public Development and Waiver of Strict Compliance applications that are up for comment.

Director Horner said Burlington County is proposing to demolish all the buildings located at the former college property in Pemberton Township. However, only four of the buildings are 50 years or older, and those are the structures that required application to the Commission.

He said, as noted earlier, Hamilton Township is proposing a soil cap on its landfill and will eventually place a solar facility at the site. The solar facility is not part of the public development application.

He said the Waiver application is for a single family dwelling. The prior waiver approved for the parcel has expired.

Harry Harper of Pemberton Township spoke in support of the demolition of the buildings at the former Rowan College at Burlington County site.

#### Ordinances Not Requiring Commission Action

Chief Planner Lanute said Commission staff reviewed seven ordinances in the past month that did not raise a substantial issue with the CMP. He said most notable is the previously approved Hexa Builders Redevelopment Plan in Monroe Township that now permits data centers.

#### General Public Comment

Harry Harper of Pemberton Township said that as a councilman he has seen regulations that have not kept up with advancements. He said if you can find justification in the regulation, then it is important to use it. He said the roundabout in Shamong Township is unnecessary and any traffic issues can be solved with a four-way stop sign and blinking light. He said the County is using an out-of-date traffic study. He said he has conducted his own traffic calculations. He said the roundabout will require four times or more of the amount of impervious coverage than there is now and it's a costly project. He said the Commission should update the CMP to include oversight of building materials.

Jason Howell of the Pinelands Preservation Alliance said he appreciated the discussion regarding artificial turf. He said he would have a hard time approving an application for development that involves known pollutants including PFOA, PFOS and GenX chemicals, particularly a playing surface used by the most vulnerable populations. He said the Commission needs to address the use of building materials with known chemicals. He said it's important to get ahead of emerging data so regulations can be updated and remain relevant before people get sick.

#### Adjournment

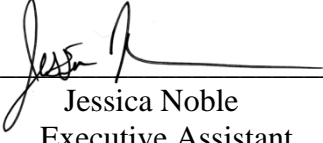
Commissioner Mauriello said that he hopes Pemberton Township will utilize the former college site to accommodate its affordable housing obligations. He said he supports redeveloping a site that has already been impacted, and he hopes that the Commission can assist the town.

ED Grogan said Pemberton Township adopted a redevelopment plan for the former college site a number of years ago. That plan permits the development of several hundred homes, a percentage of which would be affordable.



Commissioner Pikolycky moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 10:38 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble  
Executive Assistant

Date: May 14, 2025