

Disclaimer

These minutes reflect the actions taken by the Commission during November 8, 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 November 15, 2024.

PINELANDS COMMISSION MEETING

MINUTES

November 8, 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=64SW7srQFIg>*

Commissioners Participating in the Meeting

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

Commissioners Absent

Dan Christy, Theresa Lettman, Jonathan Meade and Douglas Wallner.

Call to Order

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

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

Executive Director (ED) Grogan called the roll and announced the presence of a quorum. Nine Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

## Minutes

Chair Matos presented the minutes from the Commission's October 11, 2024 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the October 11, 2024 Commission meeting were adopted by a vote of 9 to 0.

## Committee Reports

Chair Matos provided a summary of the October 25, 2024 Policy and Implementation Committee meeting:

Commissioner Jessica Rittler Sanchez was welcomed as a full member of the P&I Committee.

The Committee approved the minutes of the July 26, 2024 meeting.

The Committee received a presentation on the (New Jersey Department of Environmental Protection) NJDEP proposed REAL Rule Amendments relating to Coastal Zone Management and possible impact on Pinelands activities. The Committee requested to be provided with a copy of the goals in the existing regulations and proposed rule amendments. The Committee discussed the proposed timeline for amendment adoption. Staff noted the need for a discussion with NJDEP on existing Memoranda of Agreement (MOAs) and impacts to permitting in the Pinelands should the rule amendments be adopted.

Staff provided a summary and reviewed evaluation criteria of Pinelands Conservation Fund (PCF) 2024 Land Acquisition Project applications recommending that neither of the two project proposals be awarded funding. The Committee met in closed session to review project specifics, allocation requests, and funding. Committee members returned to open session and moved to accept the staff recommendation that grants should not be awarded for the two projects.

Committee members heard public comments in support of moving forward with the Black Run Rule proposal and a request that Science Office staff be consulted on wetlands delineations for development applications.

Vice Chair Avery provided a summary of the October 29, 2024 Personnel & Budget Committee meeting:

During its meeting on October 29, 2024, the Personnel & Budget Committee adopted the minutes from its August 20, 2024 meeting.

Staff reviewed financial updates, including Check Registers, Electronic Disbursements, and Application Fees. Staff provided an update on the hiring of a Research Scientist 3 and ongoing recruitment efforts.

The meeting concluded with the Executive Director providing an update on the Fenwick Manor Rehabilitation Request for Proposal process.

The Committee adjourned the meeting and retired into Closed Session to discuss collective bargaining negotiations. No action was taken.

#### Executive Director's Report

ED Grogan provided information on the following matters:

- The last committee meeting of the year is scheduled for November 22. As staff prepares meeting dates for 2025, both Commissioner Lohbauer and Chair Matos will be consulted on the possibility of combining the Climate Committee with the P&I Committee meeting.
- The Science office's newest staff member, Christine Healy, was introduced.

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

- On October 17<sup>th</sup> an emergency authorization determination was issued to South Jersey Gas for the replacement of approximately three miles of eight-inch natural gas main that became corroded. An after-the-fact application will be completed by South Jersey Gas.
- The Regulatory Programs staff is inundated with inquiries. Most of the inquiries are related to the development potential of a specific parcel. He said currently there are 300 inquiries and application submissions pending for a staff of ten to respond to. He said additional questions arise after staff issues a response to the inquiry. He said these inquiries are in addition to applications that staff are reviewing in which applicants have submitted a formal application and paid the required fee. He said staff has made every effort to provide a self-service function with mapping tools on the Commission's website but most members of the public want to speak with a live person.

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

- Staff continue to work in partnership with the NJDEP with the I-Bank (New Jersey Infrastructure Bank) as they continue to consider amendments to the Infrastructure Trust rules, in particular the section that evaluates allowable costs. The rules have not been amended in two decades and during that time staff at the NJDEP have changed, along with the structure of the organization. There is also a flaw in the current rule. She said that in the past, only wastewater projects could be considered, and water supply projects will now be included. Staff will provide guidance to the NJDEP as the amendment process continues.
- Due to vacant positions in the Land Use Programs Office, staff will be requesting an extension for the following two National Park Survey economic monitoring projects: Economy of Parks and Open Space study and Economic Impacts of Climate Change on Growth-Oriented Management Areas.

- The most recent round of PCF 2024 Land Acquisition Project applications were not recommended at this time. Staff will be planning the Annual Land Preservation Summit and a major discussion point will be discussing how to draw in good preservation projects in the Pinelands Area.
- Staff continues to issue Pinelands Development Credit (PDC) Letters of Interpretations (LOI) and is currently working on three LOI's that include approximately 3,000 acres in Washington Township.
- Staff recently began work on three landfill closure assessments.

Stacey Roth, Chief, Legal and Legislative Affairs, reminded Commissioners that ethics and cannabis training must be completed before November 15<sup>th</sup>.

She added that the Stafford Township Council has approved a resolution authorizing its Township Administrator to sign the MOA that the Commission voted on at its September meeting for accessibility improvements to trails at Forecastle Lake.

Brad Lanute, Chief Planner, said earlier this year the legislature adopted some significant changes to the State's affordable housing laws. The law laid out a new process and set of timelines for municipalities to meet their affordable housing obligations for the upcoming fourth round and future rounds.

The fourth round of affordable housing obligations will begin on July 1 of next year. An important step in the process was completed last month. On October 18<sup>th</sup>, the Department of Community Affairs (DCA) published calculations for each municipality's present and prospective need for affordable housing for the period covering 2025-2035. Staff is currently reviewing the numbers calculated for Pinelands Area municipalities.

Staff expect Pinelands municipalities will be updating their housing elements and fair share plans between now and July 1st. He said the housing elements and fair share plans are part of the municipal master plan, so any implementing ordinance will need to be reviewed and approved by the Commission. Mr. Lanute said we are anticipating quite a bit of work in the coming months on this front. Staff will provide a more detailed briefing on the DCA numbers and the anticipated impacts to the Pinelands Area at an upcoming P&I Committee early next year.

Mr. Lanute said the November 22<sup>nd</sup> P&I Committee meeting agenda will include a Hamilton Township ordinance and a preview of an Off-Road Vehicle model ordinance.

Commissioner Pikolycky asked what the Commission's role will be related to affordable housing.

Mr. Lanute said the municipalities will generate the calculations, and Commission staff will review Master Plan amendments and implementing zoning ordinances for consistency with the CMP.

Commissioner Lohbauer said the amendment to the Act provided a breakdown of numbers for the Highlands region and asked why the Pinelands Area isn't specifically recognized.

Mr. Lanute said Pinelands Management Areas were considered when the affordable housing numbers were generated. He said the majority of the state uses land capacity factors based on state planning area designations but the Pinelands Area is reviewed differently.

Commissioner Avery said the deed restriction language for land preservation is quite restrictive. He said tailoring the deed restriction may help in securing future PCF applicants.

Paul Leakan, Communications Officer, said almost a 100 students from Hammonton participated in the 2024 World Water Monitoring Challenge. He displayed the front cover of the 2025 Pinelands National Reserve calendar, which features a theme of "Happy Trails." He also displayed a map that will be included in this 2025 calendar and includes the location of each featured trail. The calendars will be available in early December at multiple locations throughout the Pinelands Area.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the construction of a juvenile justice facility in Winslow Township.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development (Application Number 1981-0656.024) (See Resolution # PC4-24-22). Commissioner Pikolycky seconded the motion.

April Field, Chief Permit Officer, said the application is for the development of juvenile secure facility that will be located on the Ancora Psychiatric Hospital parcel. The proposed development includes three 5,925 square foot residential buildings, a 27,132 square foot office and support building, an 8,904 square foot gymnasium, a 328 square foot greenhouse, a 427 square foot equipment shed, an athletic field, a basketball court and three paved parking areas. A map was displayed showing the area where the secure facility will be developed (see attached Exhibit 1). She said the Commission entered into an MOA with the NJDEP, the Department of Human Services (DHS) and Camden County in 2007. The MOA authorized the Ancora site to connect to public sanitary sewer for future development on the site. As part of the MOA, deed restriction of an area where no development will ever occur was required and shown shaded in purple on the displayed map (see attached Exhibit 2). The new juvenile justice facility will be located entirely outside the deed restricted area.

Ms. Field said a stipulation of the MOA was that four existing, uncapped landfills on the parcel were supposed to be closed and capped as required by the CMP. The DHS has not been able to secure the approximately \$10 million estimated to be needed to move forward with closing and capping the landfills. A map was displayed showing the four oddly shaped landfills in yellow (see attached Exhibit 3). The DHS has provided a \$5,000 escrow for staff to complete an analysis and determine the appropriate capping method of the landfills. She said the Public Development

Report includes four conditions related to the landfill closure. She said an application must be completed with the Commission by April 8, 2026 and the landfills must be capped by April 8, 2030 and no additional development will be permitted at the site until the landfills are capped.

Commissioner Lohbauer asked if the juvenile justice facility will be developed prior to the landfill closure, and he asked how many acres are available for future development.

Ms. Field said the juvenile justice facility will be able to proceed with construction. She said she doesn't know the exact acreage. She said much of the land outside of the deed restricted area are athletic fields and stormwater basins, and building additions could be possible once the landfills are capped.

Commissioner Pikolycky asked if the proposed development would be utilizing existing vacant buildings.

Ms. Field said the juvenile justice facility is entirely new construction, so no demolition and very little clearing will be necessary.

Commissioner Rittler Sanchez asked if staff know what the landfills contain and if some of the landfills are in the deed-restricted area.

Ms. Field said staff will determine what type of garbage is in the landfill as part of the analysis. She confirmed that some of the landfills are located in the deed-restricted area.

Commissioner Lohbauer asked if there is enough development potential on the parcel to ensure that the DHS will follow through with the landfill capping.

ED Grogan said there have been many applications over the years and based on that, it's likely there will be future redevelopment and expansions of the facility

Director Horner added that Camden County recently inquired about locating a prison at the Ancora site.

Commissioner Irick said the \$5,000 escrow doesn't seem like an adequate amount to complete the landfill assessment.

ED Grogan said the \$5,000 escrow will cover some of the staff's costs associated with the environmental assessment and analysis to determine the most suitable cap for the landfills. The amount of the escrow was established many years ago but will be re-evaluated in the near future to ensure that it covers the special review.

Director Horner noted that new development on the Ancora parcel is only restricted until an application to cap the landfills is completed with the Commission.

The resolution was adopted by a vote of 9 to 0.

### Ordinances Not Requiring Commission Action

Chief Planner Lanute highlighted a Hamilton Township Ordinance 2084-2024 that repeals and replaces a 2011 Redevelopment plan for the Atlantic City Racecourse. He said the 2024 Redevelopment Plan simply reconfigures the zones within the redevelopment area maintaining the same acreage and Pinelands Development Credit obligation. The Township is currently working with an interested developer.

### General Public Comment

Harry Harper of Pemberton Township said the Pole Bridge property should not be developed and should remain as it is. He said the Commission staff chose to ignore expert reports on a wetland on the parcel. He said the Commission's report went against its own wetland delineation method. He said he would like to see the report rescinded. He said Commission staff disregarded expert opinion on pine snakes. He said the Commission's mission is to protect and preserve. He said residents are not happy about additional development. He said optics are everything and right now, they don't look good. He said the resources are no longer available to support large developments in the Pinelands.

Patrick Giberson, a local farmer, said the water for the Pole Bridge development will come from the Englishtown Aquifer. He said if a fire were to break out in the Pole Bridge development, it could be as catastrophic as Hawaii and North Carolina. He said he would like to see the rural characteristics of the Pinelands remain. He said he supports smart development. He said Pemberton Township has been accommodating developers by making zoning changes outside the Pinelands Area.

Michelle Forman of Pemberton Township said she would like to see development in Pemberton Township slow down. She said Pemberton Township should be kept rural, natural and beautiful. She said Pemberton Township is known for its healing properties, similar to the Adirondack Mountains and the Jersey shore. She said that's why tuberculosis hospitals were built in those areas. She said every other town in Burlington County has been decimated with warehouse development.

Joe Anderson said he has lived in Browns Mills his entire life and was displeased by the amount of development in Barnegat and Chatsworth. He raised concerns that the threatened and endangered species study did not find pine snakes. He said the Pinelands Commission is destroying the Pines one acre at a time and all that will be left is the state forest. He said the Pinelands Commission only cares about permit fees.

Debra Skipper said she is owner of Pinewood Terrace, a 200-unit manufactured home development that will be surrounded by the proposed Liberty Woods residential development project (Pole Bridge). She circulated a photograph of a northern pine snake that one of her residents found in June of 2024. She said the snake survey is flawed. She asked Commissioners to protect the beautiful 700-acre Pinelands forest, consider the wetlands issue, water supply and the proposed one-way-in, one-way-out entrance/exit for the development. She asked that the Commission look carefully at the snake survey results.

Jason Howell of the Pinelands Preservation Alliance said the Commission may want to consider posting a few educational videos to YouTube to help the Regulatory Programs staff with the influx of inquiries from the public. He said in his opinion the protection of wetlands should be the most important priority in the state. He said the Commission's Science office who conducts field research should review the recently submitted letter to Pemberton Township on the Pole Bridge Road development.

Patricia Guthrey of Pemberton Township said local residents should be included and taken into consideration when development is proposed in the vicinity. She said she lives in the Birmingham section of Pemberton Township (outside of the Pinelands Area) and a warehouse was constructed at the end of her street. She is now dealing with the displacement of wildlife and stormwater runoff. She said the Pinelands Commission is supposed protect the forest. She said destroying 340 acres is horrible.

Elenor Dale of Collingswood, NJ, said many people who do not live in Pemberton Township have signed an online petition to save the Pole Bridge Forest. She said the Commission needs to protect the forest, which is vital in a state that is so overpopulated.

Chair Matos said a public commentor suggested that the Commission is only interested in collecting fees. She said Commissioners who serve this Board are unpaid volunteers and Commission staff are currently severely understaffed. She said application fees are for the review of applications. She said the staff who work for the Commission are exceptional.

Commissioner Rittler Sanchez offered further clarification, saying the additional money submitted was for an escrow not an application fee.

Commissioner Irick said he doesn't recall voting on the application that members of the public have commented on today.

Director Horner said the application that many members of the public provided comment on today is currently before the Pemberton Township Planning Board. He said it's a large, residential development application located in a Regional Growth Area. He said regardless of whether a project is in a Pinelands Management Area that is designated for conservation or growth, all environmental standards of the CMP must be met. He said if the Township issues an approval, staff will review it for consistency with the CMP.

Director Horner said the Pemberton Township Planning Board asked that the Commission assist with a wetland question that arose concerning an area of less than half an acre in size. He said 290 acres of the parcel have already been delineated as wetlands. The Commission provided its opinion to the Planning Board that the half acre area in question was not a wetland. The Commission sent an additional letter reiterating to the Planning Board that the wetlands determination was the opinion of Commission staff, and the Board should consider all expert review on the matter.



Director Horner said the Commission is aware of the threatened and endangered snake in the vicinity of the parcel. He said extensive T&E surveys were conducted in the early 2000s. He said the question that remains is what constitutes the critical habitat for the species. Additional T&E surveys were required over the past year, and staff is awaiting the final results of the fall drift fence survey. Staff will determine what constitutes critical habitat on the parcel upon completion of its review of the surveys.

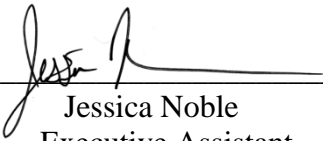
Director Horner explained the process of what can happen after the Commission reviews a local approval. He noted that if the Planning Board denies the application, there is no further role for the Commission.

Commissioner Lohbauer requested that staff provide a presentation to the P&I Committee on wetlands delineation methods in the Pinelands Area.

#### Adjournment

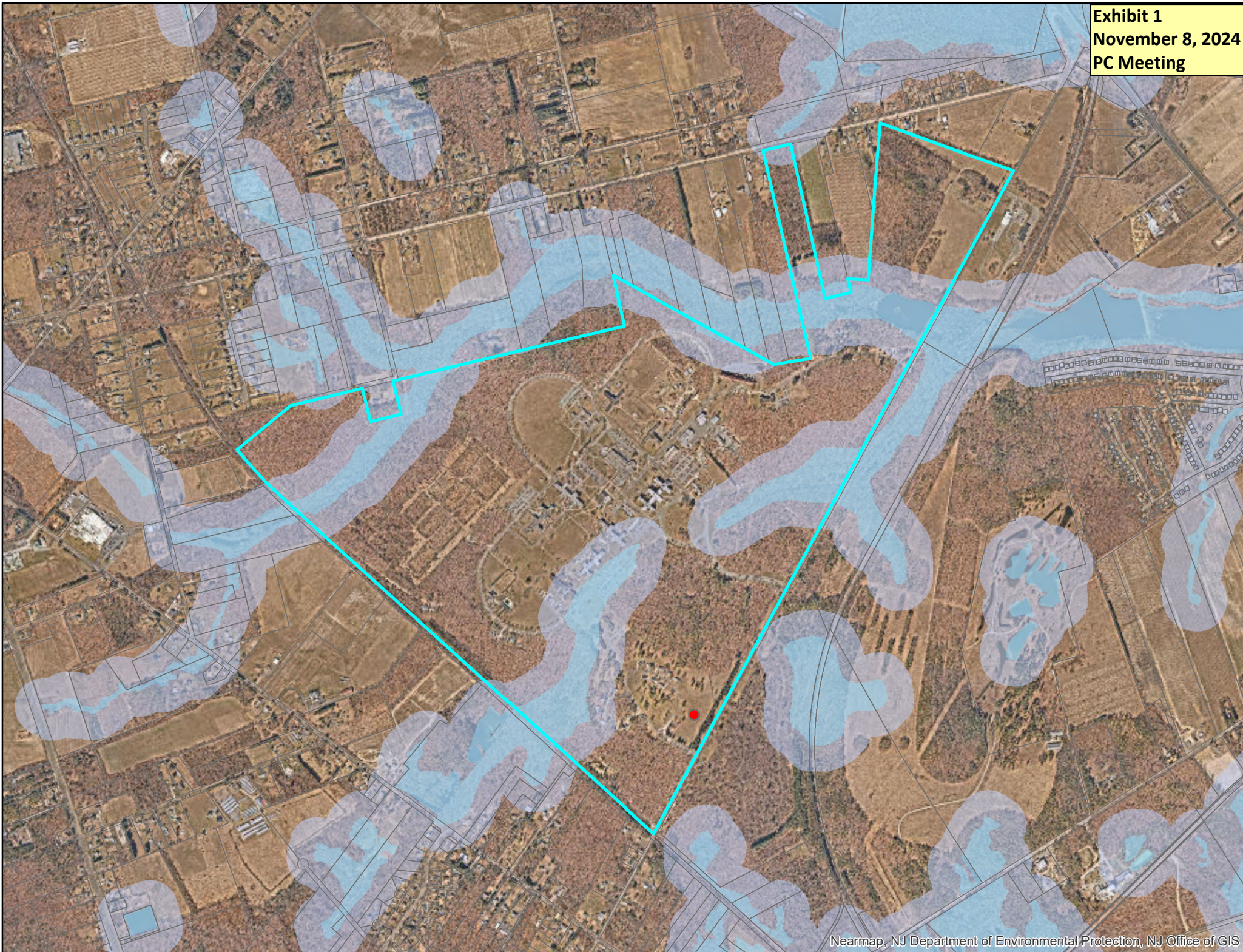
Commissioner Lohbauer moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 11:15 a.m.

Certified as true and correct:

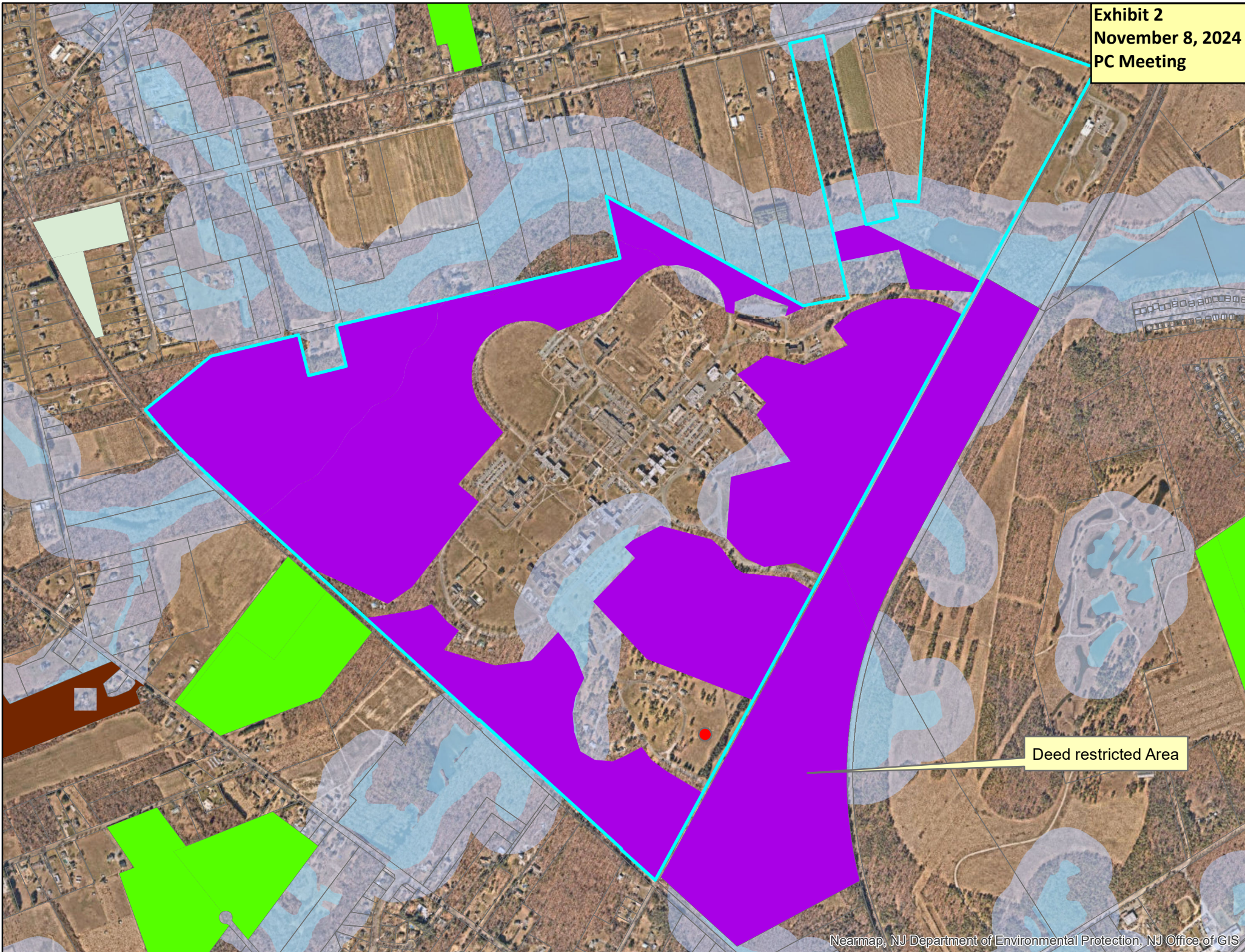
  
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Jessica Noble  
Executive Assistant

Date: November 15, 2024









Deed restricted Area



