

Adopted September 29, 2023

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/watch?v=8oWOeUraqJw>

Meeting ID: 812 4209 8004
Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
August 25, 2023 - 9:30 a.m.

MINUTES

Members in Attendance – Alan W. Avery, Jr., Jerome H. Irick, Theresa Lettman, Mark S. Lohbauer, Chair Laura E. Matos, Douglas Wallner

Members Absent – None

Commission Staff in Attendance – Gina Berg, John Bunnell, Ernest Deman, Marci Green, Susan R. Grogan, Brad Lanute, Paul Leakan, Trent Maxwell, Stacey Roth, Steven Simone. Also in attendance was Janice Venables with the Governor’s Authorities Unit.

1. Call to Order

Chair Matos called the meeting to order at 9:33 a.m.

2. Adoption of the minutes from the May 26, 2023, CMP Policy & Implementation Committee Meeting

Chair Matos asked for a motion to approve the minutes of the May 26, 2023, meeting. Commissioner Lohbauer made the motion. Commissioner Irick seconded. All members voted in favor.

3. Review of Executive Director’s report on Bass River Township’s 2022 Master Plan Reexamination Report and Ordinance 2023-2, amending Title 17 (Zoning) of the Township’s Code

Brad Lanute, Planning Specialist at the Commission, presented the Executive Director’s report on Bass River Township’s 2022 Master Plan Reexamination Report and Ordinance 2023-2, amending Title 17 (Zoning) of the Township’s code (*Attachment A to these minutes*).

Mr. Lanute said the Township’s 2022 Master Plan Reexamination Report is a routine report written in accordance with the New Jersey Municipal Land Use Law. The recommendations of the report are implemented by Ordinance 2023-2. The ordinance adopts a revised zoning map as

well as various amendments to the Township's zoning code.

Mr. Lanute said the first set of changes is related to the establishment of infill areas. The Pinelands Comprehensive Management Plan (CMP) allows municipalities to designate infill areas within the Preservation Area District. Infill areas allow residential or commercial uses on lots of at least one acre in size existing as of January 1981. No new subdivisions are permitted. The CMP provides criteria for delineating infill areas. An infill area must have direct access to an existing improved public road, exhibit a compact pattern of existing development, and include vacant lots of at least one acre. Executive Director (ED) Susan R. Grogan noted that this amendment is in response to a request from the Township for any additional development, no matter how small.

Mr. Lanute referred to the revised Township zoning map. He said the Township has delineated three infill areas that meet the CMP criteria for infill areas. The infill areas are situated along Leektown Road and Hammonton Road. Much of northern Bass River is preserved land, with the infill areas toward the southwestern corner. These are pockets of existing compact development with opportunity for additional development.

Mr. Lanute said two of these infill areas are zoned Infill Residential, which permits single-family dwellings on lots of at least one acre in size. Under the prior zoning, residential units would only be permitted if cultural housing provisions were met or if the Commission issued a Waiver of Strict Compliance. The third infill area is zoned Infill Commercial, which, in addition to single family dwellings, permits retail, trade, and service establishments, convenience stores, bed and breakfast inns, restaurants, and roadside retail stands for garden produce, on lots of at least one acre.

Mr. Lanute referred to a set of three different maps showing the boundaries of the infill areas. He stated that the staff's analysis showed a potential for about 14 additional residential units within the infill areas.

ED Grogan said the Township's zoning map shows just how constrained development potential is in Bass River. She said this is what led to the delineation of the infill areas. Mr. Lanute said the Township reported only 28 new residential units since the year 2000. Mr. Lanute said staff provided the Township with various options for encouraging development in the Township consistent with the CMP.

Mr. Lanute described the changes within the Pinelands Village of New Gretna. The ordinance rezoned 18 acres from the Village Residential (VR) Zone to the Village Commercial (VC) Zone to align the zoning district boundaries with existing lot lines. The ordinance also revised the minimum lot size requirement for single-family dwelling units in the VR and VC from two acres to one acre. Mr. Lanute stated that the Township previously raised the minimum lot size requirement to two acres in 2004 but has decided to revert to a one-acre requirement. He explained that the increased development potential was still within the limits prescribed by the CMP for Pinelands Villages.

Mr. Lanute described some minor zoning changes outside the state-designated Pinelands Area,

but within the Pinelands National Reserve (PNR). The Township rezoned approximately 65 acres along U.S. Route 9 to Highway Commercial. The Township previously requested to have their PNR area certified during its original certification in 1982. Mr. Lanute said these zoning changes are in conformance with the CMP.

Mr. Lanute said the Commission received several comments during the public comment period. Many of the comments appeared to respond to Ordinance 2023-7, which included additional zoning changes that were not included in the reexamination report or Ordinance 2023-2. He said that the introduction of the ordinance coincided with the Commission's public comment period but noted that the Township is no longer pursuing those zoning changes.

Mr. Lanute said Commission staff are recommending certification of the reexamination report and ordinance and are asking for a recommendation from the Committee to the full Commission on whether to certify the reexamination report and ordinance.

Commissioner Irick asked if the infill area is non-sewered, and if the Township is aware that advanced treatment systems would be required. Mr. Lanute said yes.

Commissioner Lohbauer complimented Mr. Lanute on the work done to assist the Township. He asked if this ordinance would affect Pinelands Development Credit (PDC) potential. ED Grogan said no, and that PDCs are not typically used in Pinelands Villages unless there is an undersized lot or variance.

ED Grogan said the Township previously adopted a prior master plan requesting that the village of New Gretna be removed from the Pinelands Area. She said this was not feasible, but that it triggered greater collaboration between the Commission and the Township.

Mr. Lanute said the Commission is not mandating the adoption of the infill areas, and that they serve as a practical option for the Township to see more of the development it desires.

Chair Matos said much of what the Commission staff does is to understand what the desired outcomes are and working with communities and other entities to lay out options.

Commissioner Avery said there is no sewer at all in the Township and that advanced treatment systems would be necessary even in New Gretna. Mr. Lanute agreed. ED Grogan added that this is true even without a change in zoning. She said the full residential development potential in the Village is unlikely to ever occur and actual development will be much smaller.

Commissioner Avery said the Township tried unsuccessfully to move to a community septic system in the past. ED Grogan said the Commission worked with the Township on that proposal several decades ago to facilitate more development in the village, but the project failed.

Commissioner Avery asked for the forest fire hazard rating for the new infill areas. ED Grogan said that information would be provided.

Commissioner Lettman asked if the Township submitted Ordinance 2023-7 after the master plan

revisions were completed. Mr. Lanute said the Township attorney contacted him and that the staff was aware of the proposed ordinance. He suggested to the Township that it treat the matter separately from Ordinance 2023-2. ED Grogan added that staff has not seen any final or adopted version of Ordinance 2023-7.

Commissioner Lohbauer made a motion to recommend certification of the master plan report and ordinance to the full Commission. Commissioner Irick seconded. All members voted in the affirmative.

4. Consideration of an additional extension of the Secondary Impacts Agreement between the Commission and Atlantic County for Garden State Parkway Interchange 44

Stacey Roth, Chief of Legal and Legislative Affairs at the Commission, presented a request by Atlantic County to extend the deadline for the Garden State Parkway (GSP) Exit 44 Secondary Impacts Agreement (*Attachment B to these minutes and available on the Commission's website by clicking [here](#).*)

Ms. Roth's presentation described the Secondary Impacts Agreement with the County that was signed in December 2013. Under the regulations of the Parkway Overlay District, the completion of Exit 44 requires the County to obviate secondary impacts in the vicinity of the interchange. The County decided to purchase all the required acreage within a 1.5-mile radius of the project site, described as Tier 1. To date, 352 of the required 356 acres have been acquired.

The County has been active in acquiring the acreage and recently adopted an ordinance that enables it to acquire lands via acquisition or eminent domain. The Commission has previously granted two extension requests. The County is now requesting an additional 12-month extension through September 2024 to resolve title issues and acquire the remaining acreage in Tier 1. The County is only required to acquire four more acres but intends to acquire an additional 95 acres. The staff recommends granting the County's extension request.

Ms. Roth showed a map of protected lands surrounding Exit 44 as of August 2023. ED Grogan added that the orange rectangle is a 10-acre parcel that the County acquired this year.

Commissioner Lohbauer said he gave Atlantic County a lot of credit, and that he appreciated the hard work the County had done so far.

Commissioner Avery asked if the County has willing sellers and if title issues with the lots was a problem.

Ranae Fehr, Director of Atlantic County Regional Planning and Development, thanked the Committee for the opportunity to participate. She said the County is seeking to acquire roughly 100 lots that are about a third of an acre each. She said there are title issues because many of the property owners have passed away. The County sent out Letters of Interest to the different property owners and some owners have expressed interest in selling. She said four acres would

satisfy the requirements of the agreement, but that the County wishes to acquire the remaining 95 acres in Tier 1.

Commissioner Avery asked if the extension would give the County enough time to acquire the whole acreage shown on the map, and not just the four acres. Ms. Fehr said that was correct, and that the County is proceeding with acquisition in phases to make it more manageable.

Ms. Fehr said there are willing sellers but even then the only way to acquire the property may be through eminent domain due to title issues.

Commissioner Irick said the County has done an outstanding job and made a motion to move the matter to the full Commission. Commissioner Lohbauer seconded. All members voted in the affirmative.

5. Kirkwood-Cohansey (Water Management) CMP Amendments

Gina Berg, Planning Specialist at the Commission, gave a presentation on the Kirkwood-Cohansey (K-C) Aquifer Water Management CMP Amendment detailing comments and final steps in the adoption process (*Attachment C to these minutes and available on the Commission's website by clicking [here](#).*).

Ms. Berg's presentation described the background of studies and the reasons for amending the rule. She reviewed public comments received on the original amendment published in the New Jersey Register in September 2022 and the Notice of Substantial Change that was published in April 2023. Finally, she described the steps completed in the amendment proposal process and adoption timeline for the K-C amendments. The staff is seeking a recommendation from the Committee to bring the rule to the full Commission at its September 8, 2023, meeting for adoption. She noted that adoption by the Commission at its September meeting would enable the rule to take effect when published in the New Jersey Register on December 4, 2023.

Chair Matos thanked Ms. Berg and Commission rule-writing attorney Marci Green for their work on the K-C amendments and asked the Committee for comments and questions.

Commissioner Lohbauer requested clarification on the estimation of non-consumptive use by resource extraction operations. He asked if there is a later point when the actual amount of water returned to the source is compared to the estimation provided by the resource extraction industry. Ms. Berg said no, and that the Commission does not have the opportunity to do that comparison after the Certificate of Filing (CF) is issued. However, the New Jersey Department of Environmental Protection (NJDEP) and other agencies do regulate the operations and conduct onsite inspections.

Commissioner Avery asked if the water use by the resource extraction industry typically involves washing gravel. Ms. Berg said yes, but also water use is based on the extraction method used to mine the sand. That method pumps both water and sand, which is deposited on a barge/dredge. Water drains off the dredge to return to the source, or when sand is taken from the dredge and stockpiled to dry, any remaining water drains back into the ground or over land into the source pond.

Commissioner Avery said it would be difficult to record water usage in that scenario. Ms. Berg said the industries can estimate it, and that the Water Allocation Permit (WAP) reports go through a process where the pump size on the dredge, the duration of pumping, and the evaporation rate are all reported.

Chair Matos asked for a motion to recommend the matter to the full Commission. Commissioner Avery made the motion. Commissioner Lohbauer seconded. All members voted in the affirmative.

6. Discussion of FY23 accomplishments and FY24 P&I Committee work plan

ED Grogan presented a slideshow on the FY23 work plan update (*Attachment D to these minutes and available on the Commission's website by clicking [here](#)*).

ED Grogan's presentation described the staff's work accomplishments during FY23. These included projects tied to the Pinelands Conservation Fund (PCF), rulemaking initiatives like the K-C amendments and the electric transmission line rights-of-way (ROW) rules, support for the Pinelands Infrastructure Trust Fund (PITF) and Climate Committee, National Park Service (NPS) economic monitoring projects, new initiatives this fiscal year, unanticipated projects, and municipal conformance and redevelopment plans. She said these are in addition to all the work completed by the Regulatory Programs staff, Science staff, and Business Services. However, the accomplishments in this presentation are specifically associated with the work plan of the Policy and Implementation (P&I) Committee.

ED Grogan continued with a discussion of the FY24 P&I Committee work plan (*Attachment E to these minutes and available on the Commission's website by clicking [here](#)*).

ED Grogan's presentation described upcoming work projects for the new fiscal year. The work plan anticipates reviewing municipal conformance and redevelopment plans, continuing with CMP rulemaking amendments like Black Run rules, developing agency plans and Memoranda of Agreement (MOAs), and continuing the NPS economic monitoring projects. She said there will be additional projects such as PDC legislation, dual use solar, and affordable housing, as well as unanticipated projects. She noted that implementation of rules that are adopted also contributes to work undertaken by the staff related to the P&I Committee work plan. ED Grogan requested input from the Committee on other desired projects for the work plan.

Chair Matos said these are special projects and initiatives and that all this work is on top of the daily work that Commission staff does.

Commissioner Lohbauer commended ED Grogan on the comprehensive list. He mentioned the importance of developing clearer gap approval processes. He suggested discussing wildfire management policy with the NJDEP and addressing forest thinning and siting fire towers.

Commissioner Avery asked if the PDC legislation died in the past from a lack of sponsorship in the Legislature. ED Grogan said that was one of the issues. ED Grogan said there are issues of administration and make-up of the Bank Board, but that funding for the PDC Bank to act as a

“clearing house” would be separate and more challenging. Commissioner Avery said this could be possible if there was a process by which the owners of PDCs could register them and authorize the Commission to act as their agent. ED Grogan said this would require authorization and additional funding through the legislature.

Ms. Roth said that a bill sponsor is needed.

Chair Matos said the Majority Office staff could help with moving the process along and sponsoring the bill.

Commissioner Avery asked if the amendments to development easements related to the Lake Lenape MOA and Stockton University must go through State House Commission review. Ms. Roth said no.

Commissioner Avery asked if there was a reason why the Commission did not receive the America the Beautiful stewardship funds. Ms. Berg said there were thousands of applicants, and the Commission was not chosen. Commissioner Avery asked if a nonprofit organization’s ability to provide stewardship factors into the ranking of Pinelands Conservation Fund land acquisition proposals. Ms. Berg said this was always part of the funding ranking criteria; the Commission elevated stewardship in its ranking criteria in 2020.

Commissioner Avery suggested it might be less work-intensive to change wetlands buffer requirements or add accessible trail standards to the Comprehensive Management Plan than to work on additional MOAS. ED Grogan said the Pemberton and Stafford MOA projects will provide a useful template for future MOAs and may lead to changes in wetlands buffer standards.

Commissioner Avery asked if anyone counts the number of units that are constructed for affordable housing projects. Ms. Roth said most municipalities simply afford the opportunity to construct affordable housing. Commissioner Avery asked if anyone knows how long the projects remain affordable. ED Grogan said there are administrative agreements and some deed requirements to maintain affordable housing. Commissioner Avery said it may be useful to touch base with the agencies that oversee affordable housing to discuss potential limitations in the Pinelands Area.

Commissioner Avery asked if the Commission has enough information on the Black Run watershed to support redesignating the management areas on the Land Capability Map. ED Grogan said yes. He asked if the burden would fall on municipalities to conform to those changes. ED Grogan said yes. She said there are multiple approaches to proceed with the management area changes.

Commissioner Irick complimented ED Grogan for the comprehensive work plan. He said he would like to increase fees for Off-Road Vehicle (ORV) use and Enduro events particularly.

Commissioner Irick asked if staff could devise a template to aid municipalities and developers in resolving Pinelands zoning questions.

ED Grogan said staff is often boxed into a reactionary position, but that staff often suggest the interactive municipal map on our website for information on wetlands and zoning. She said that a new Local Conformance system is going to be developed that may be launched to the public in the future. Staff are also working on education sessions for local officials, particularly Local Review Officers (LROs), zoning officers and construction code officials. She also looked for additional funding to hire a new applicant services representative. She said that although that funding was not included in the State's budget, filling the position is necessary due to the volume of calls and inquiries received by the Regulatory Programs Office. Many of those inquiries would be more efficiently handled by an applicant service representative.

Commissioner Irick said he seconded Commissioner Avery's thoughts on advancing PDC legislation.

Commissioner Irick said he would like to see the Commission add or improve definitions of Horizontal Directional Drilling (HDD), redevelopment, cannabis, electric distribution lines, etc. to be more current. He said lack of current definitions consumes greater amounts of staff time.

Commissioner Irick said municipalities should be required to buy PDCs when the extension of sewer/water lines generates additional development.

Commissioner Irick also asked how the Commission responds to applications by municipalities that have outstanding violations. ED Grogan said the Commission staff works with municipalities to resolve violations and has the authority to deem applications incomplete until violations are resolved.

Commissioner Avery asked if there was a way to work with appropriate entities to provide Continuing Education Credits (CECs) for local planners, engineers, and officials. ED Grogan said there have been some initiatives in the past. Paul Leakan, Communications Officer at the Commission, said the Commission is registered with the New Jersey Department of Education to issue CECs for teachers who attend the Pinelands Short Course. Commissioner Irick said there should be multiple Pinelands CEC courses for licensed planners and engineers.

7. Public Comment

Dr. Heidi Yeh, Policy Director at the Pinelands Preservation Alliance (PPA), commended the staff for the care and intention that they put into their work. She said the PPA was disappointed to hear that the Commission did not receive the budget increases that it needs, and that the PPA would like to be involved with advocacy for the budget next year. She mentioned the no-net loss of trees as a priority for the Committee to pursue and said the PPA will offer background and research on how this could be implemented.

Dr. Amy Golden, Trustee and Ambassador of the Friends of the Black Run Preserve (FBRP) and resident of Sturbridge Lakes, said the group has been circulating a petition to oppose the clustering portion of the Black Run rule proposal, and that the petition has already garnered 1,569 signatures in three weeks.

Kevin Coakley, attorney with Connell Foley on behalf of Clayton Companies, said there are two main parts of the K-C water management amendments that should be revised. He said the normal protocol is to provide a reasonable estimate of water quantity to NJDEP and that it is not possible to quantify. He also said that the requirement to quantify the volume of water returned to the source should be changed to require an estimate of that volume.

Mr. Coakley said the definition of non-consumptive use in the rule should state that 90% of the water diverted is returned to the source. He suggested that the Commission not act on the rule at the next meeting and consider these changes to the rules. He said these suggested rule changes were submitted in a letter dated August 22.

Fred Akers, Director of the Great Egg Harbor Watershed Association, expressed his appreciation and congratulations to the P&I Committee for all its accomplishments. He said the Committee is the main workhorse of the Commission and noted that scientific reports were missing from the FY23 accomplishments slideshow. He said to keep up the good work.

Chair Matos closed public comment at 11:41 a.m.

Chair Matos asked for a motion to adjourn the meeting. Commissioner Irick gave the motion. Commissioner Lohbauer seconded. All members voted in the affirmative. The meeting adjourned at 11:41 a.m.

Certified as true and correct:

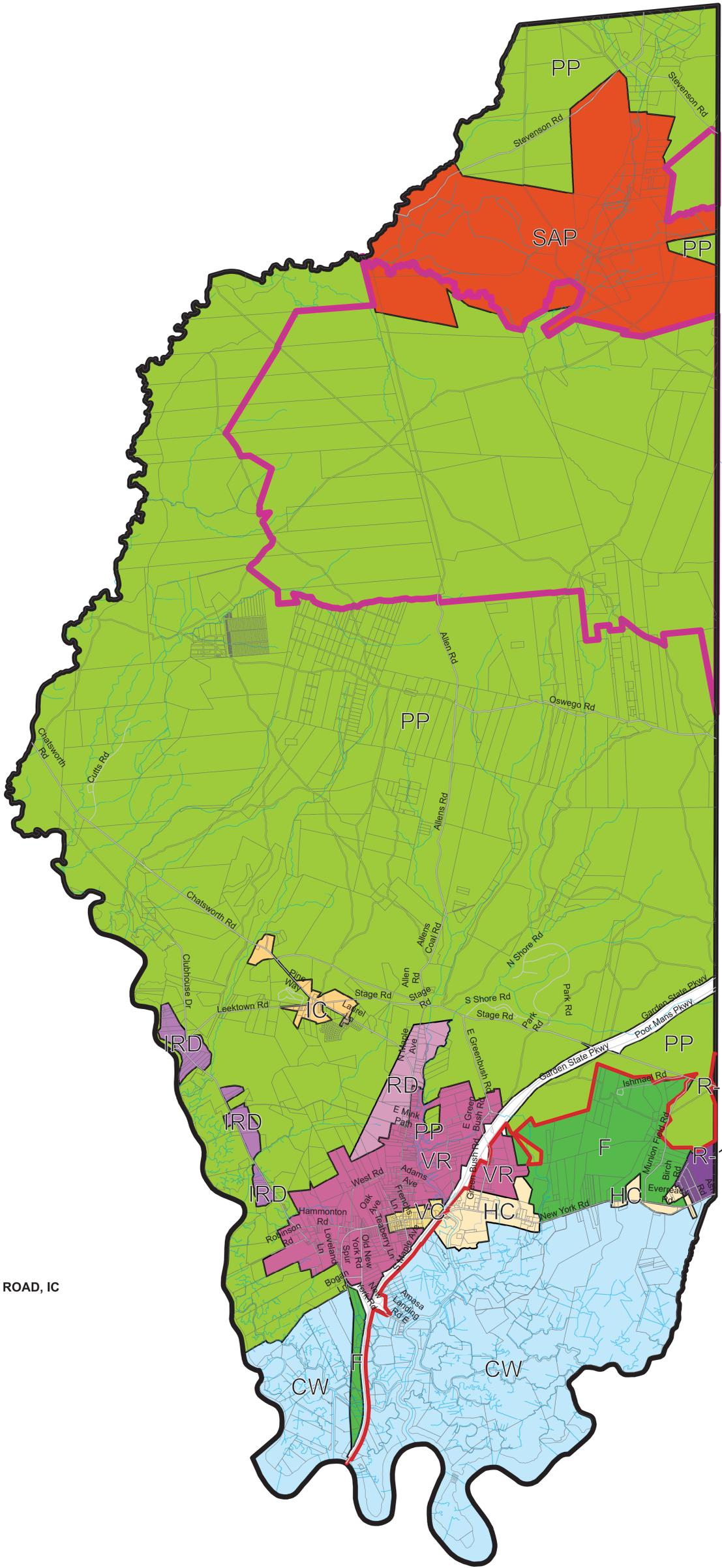


Trent R. Maxwell, Planning Technical Assistant

Date: September 11, 2023

ZONE MAP

BASS RIVER TOWNSHIP



LEGEND

-  BASS RIVER TOWNSHIP PAVED ROADS
-  BASS RIVER TOWNSHIP RIVER FLOWS
-  PINELANDS BOUNDARY LINE
-  BASS RIVER TOWNSHIP OUTBOUND
-  WARREN GROVE BOMBING RANGE
- ZONE NAME, ABBREVEATION**
-  COASTAL WETLANDS, CW
-  FOREST, F
-  HIGHWAY COMMERCIAL, HC
-  INFILL COMMERCIAL DISTRICT, LEEKTOWN-CHATSWORTH ROAD, IC
-  INFILL RESIDENTIAL DISTRICT, IRD
-  PINELANDS PRESERVATION, PP
-  RESIDENTIAL, R-1
-  RURAL DEVELOPMENT, RD
-  SPECIAL AGRICULTURAL PRODUCTION, SAP
-  VILLAGE COMMERCIAL, VC
-  VILLAGE RESIDENTIAL, VR

Map Sources: NJDOT, NJGIN, Pinelands, Bass River Township Official Zone Map DD December 2012



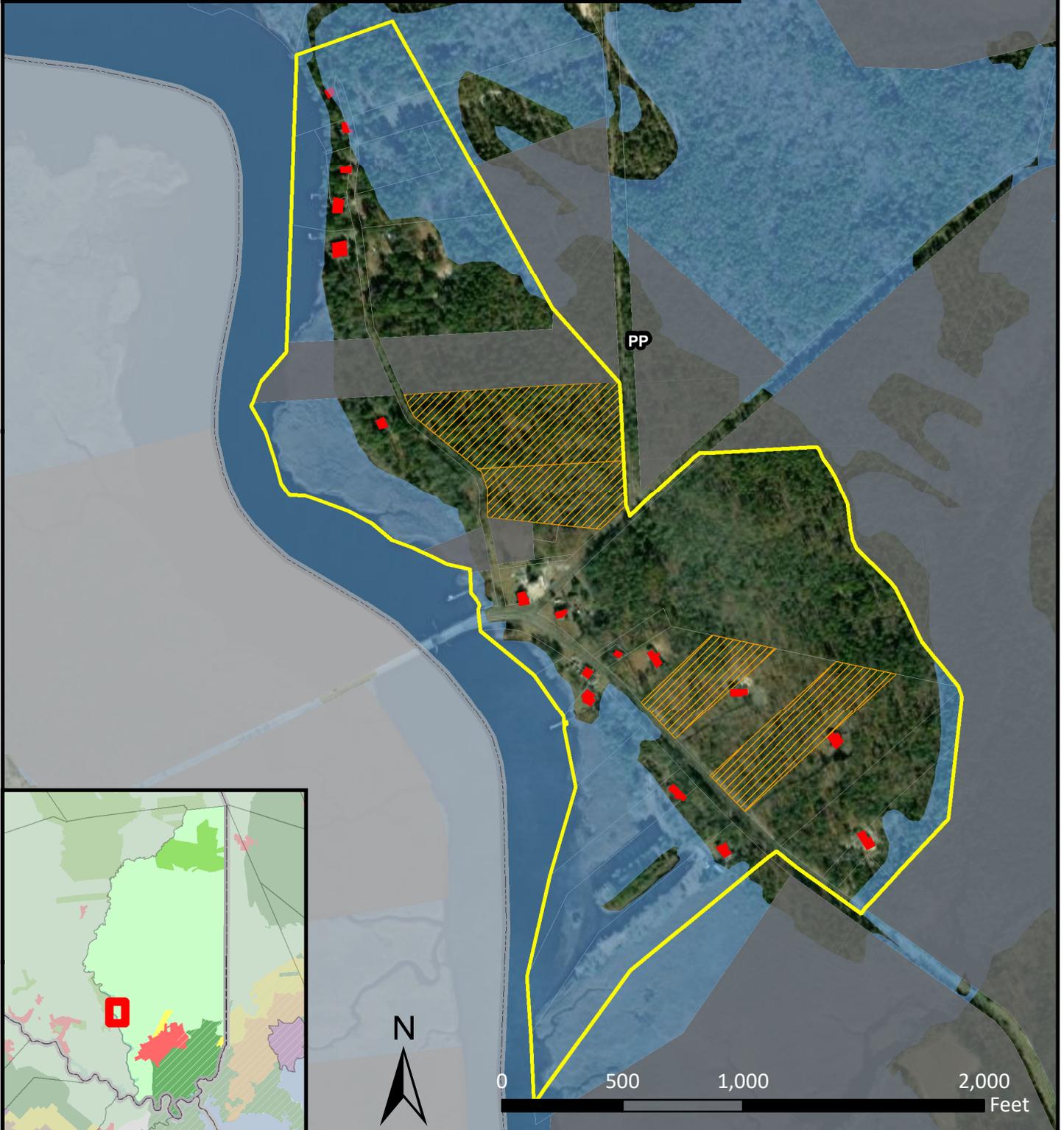
CONSULTING & MUNICIPAL ENGINEERS
 3141 BORDENTOWN AVENUE, PARLIN, N.J. 08859
 1460 ROUTE 9 SOUTH BOWELL, N.J. 07731
 3759 ROUTE 1 SOUTH SUITE 100, MONMOUTH JUNCTION, NJ 08852
 ONE MARKET STREET SUITE 4F, CAMDEN, NJ 08102
 WWW.CMEUSAL.COM

DATE	SCALE	LAST REVISED	CREATED BY
December 2012	1 in = 2,500 feet	2/6/2023	DE

Bass River Township Ord. 2023-2 Infill Residential (IR) District

Executive Director's Report
Bass River Twp. Ord. 2023-2
Exhibit #2
8/25/2023

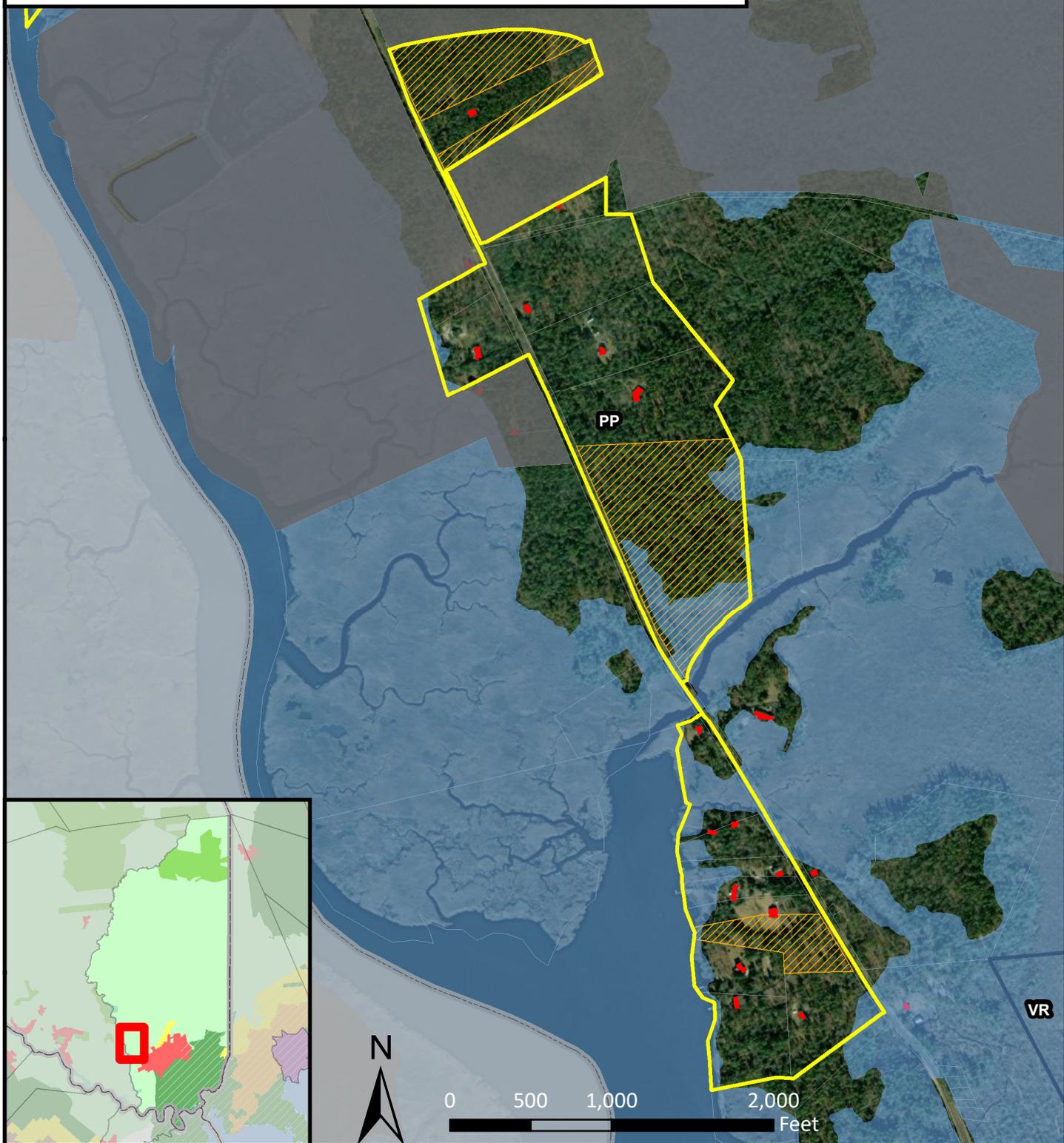
-  Infill Residential (IR) District
-  Existing Primary Structure Footprints
-  Vacant Land > 1 acre
-  Bass River Twp Zoning
-  Bass River Twp Parcels
-  Preserved Lands
-  Pinelands Wetlands



Bass River Township Ord. 2023-2 Infill Residential (IR) District

Executive Director's Report
Bass River Twp. Ord. 2023-2
Exhibit #3
8/25/2023

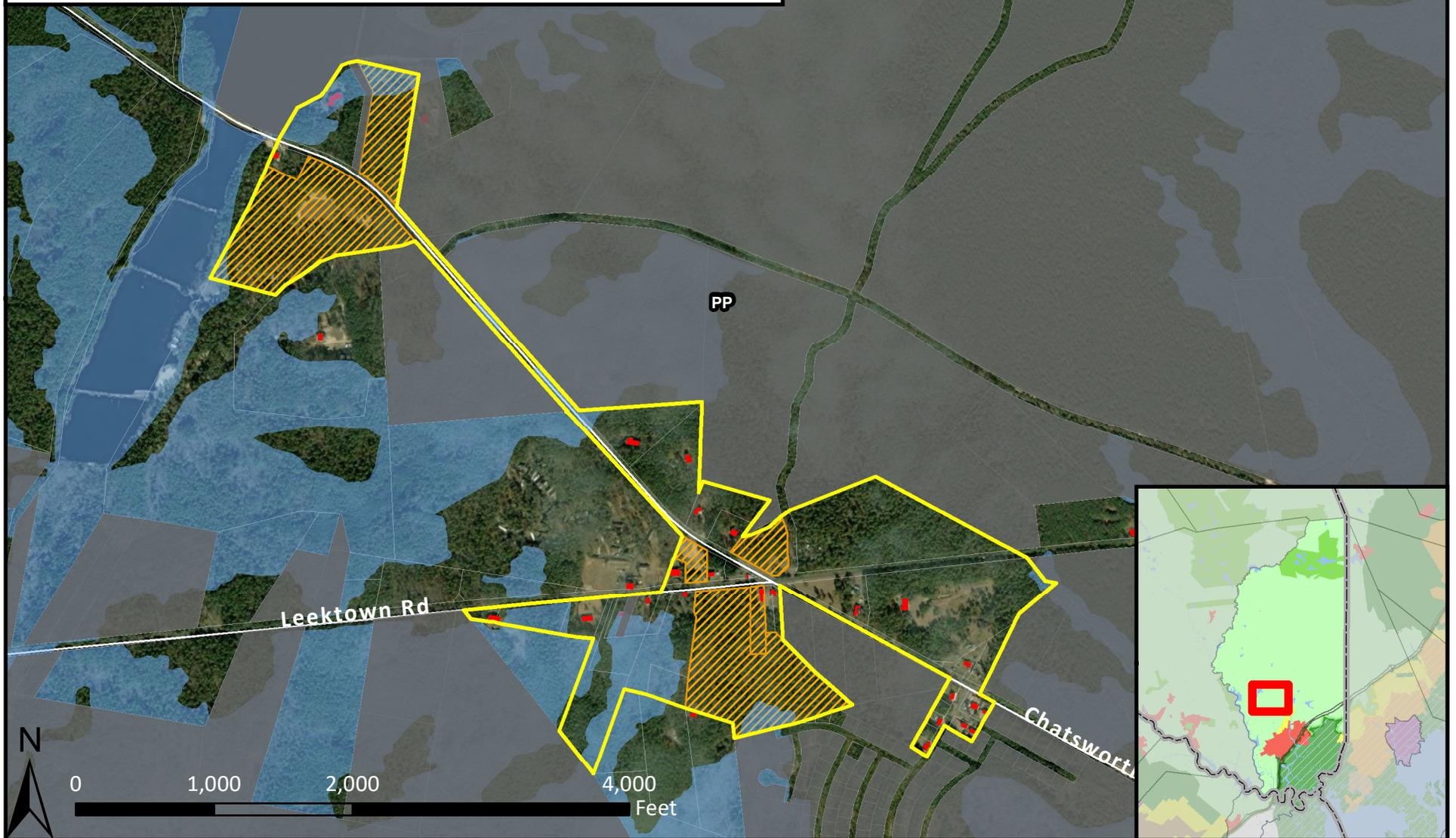
-  Infill Residential (IR) District
-  Existing Primary Structure Footprints
-  Vacant Parcels > 1 acres
-  Bass River Twp Zoning
-  Bass River Twp Parcels
-  Preserved Land
-  Pinelands Wetlands



Bass River Township Ord. 2023-2 Infill Commercial (IC) District

-  Infill Commercial (IC) District
-  Existing Principal Structure Footprints
-  Vacant Parcels > 1 acre
-  Bass River Twp Parcels
-  Preserved Land
-  Pinelands Wetlands

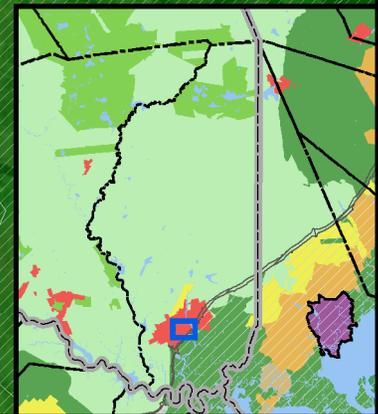
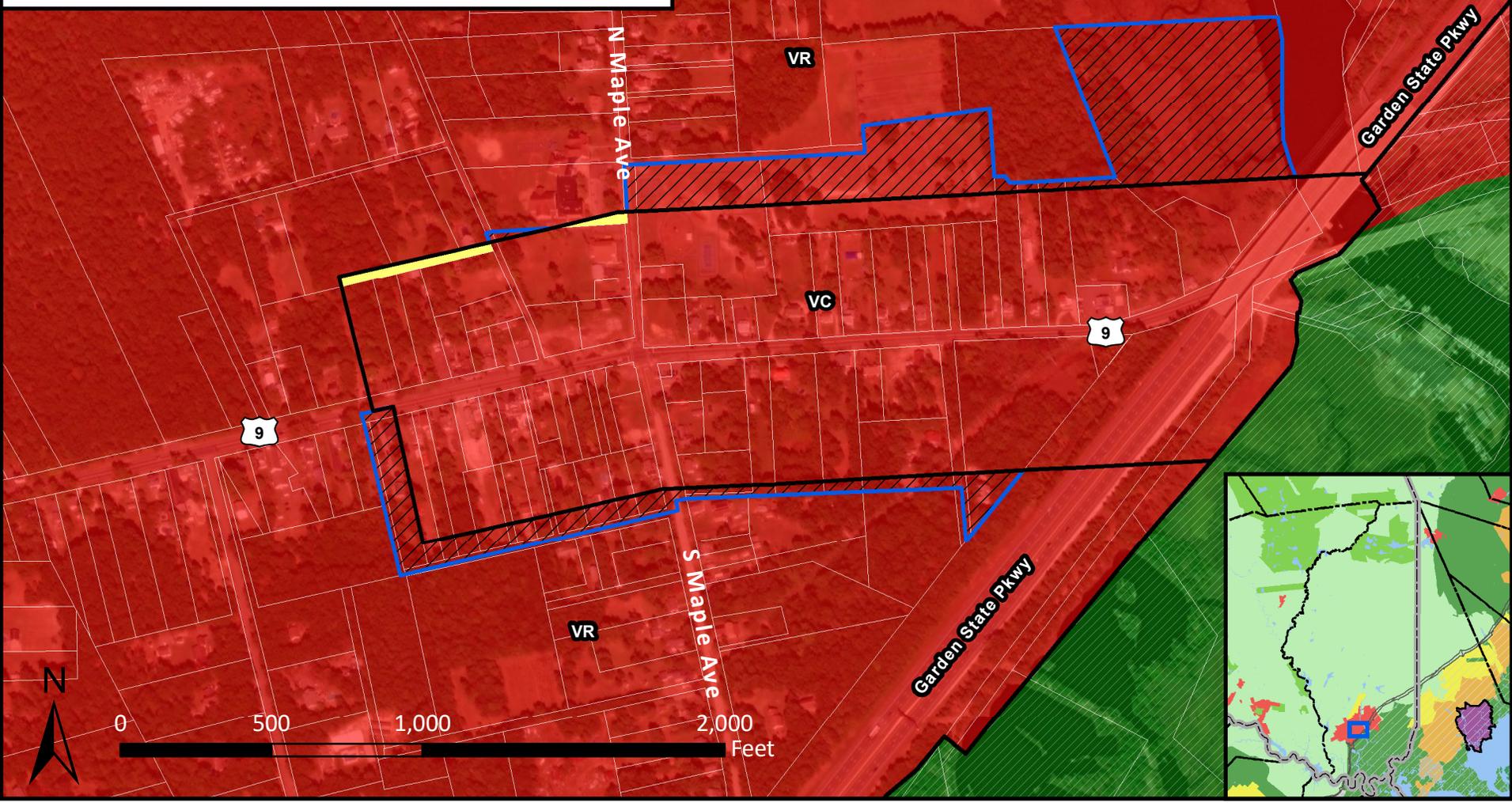
Executive Director's Report
Bass River Twp. Ord. 2023-2
Exhibit #4
8/25/2023



Bass River Township Ord. 2023-2 Village of New Gretna

Executive Director's Report
Bass River Twp. Ord. 2023-2
Exhibit #5
8/25/2023

Pinelands Management Areas	Existing Zoning
Pinelands Village	Bass River Twp Parcels
Forest Area (PNR)	VC/VR Zoning Change
Pinelands Village (PNR)	VR to VC
	VC to VR



Garden State Parkway Interchange 44 Extension of Time to Acquire Remaining Acreage



**CMP Policy & Implementation Committee
August 25, 2023**

Garden State Parkway Interchange 44

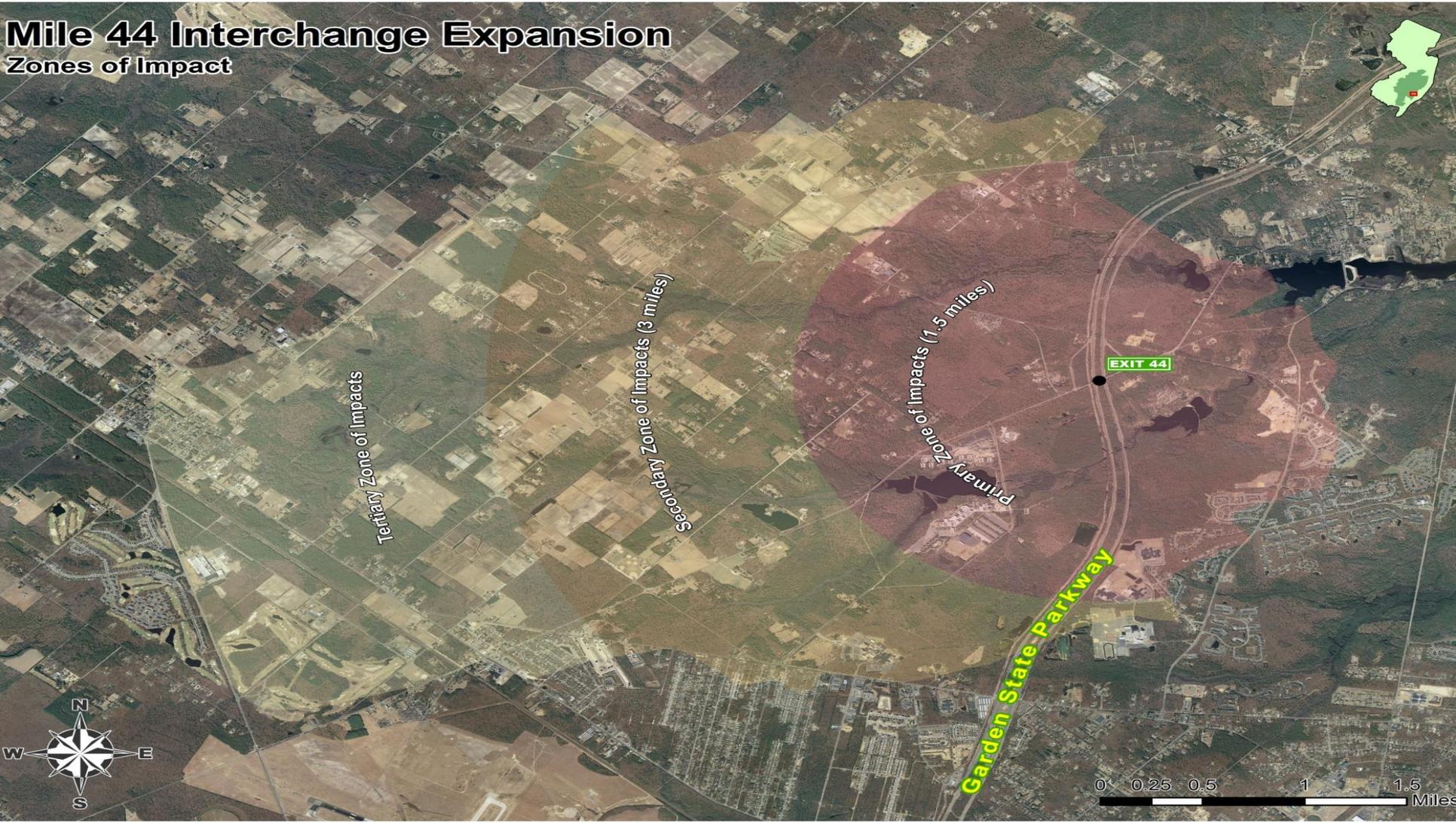
- Interchange 44: Garden State Parkway and Pomona Road
- Expansion from partial interchange to full interchange
 - Northbound exit ramp
 - Southbound entrance ramp
 - In Parkway Overlay District
- Project approved by the Commission in May 2013
- Secondary impacts agreement with Atlantic County signed December 2013.

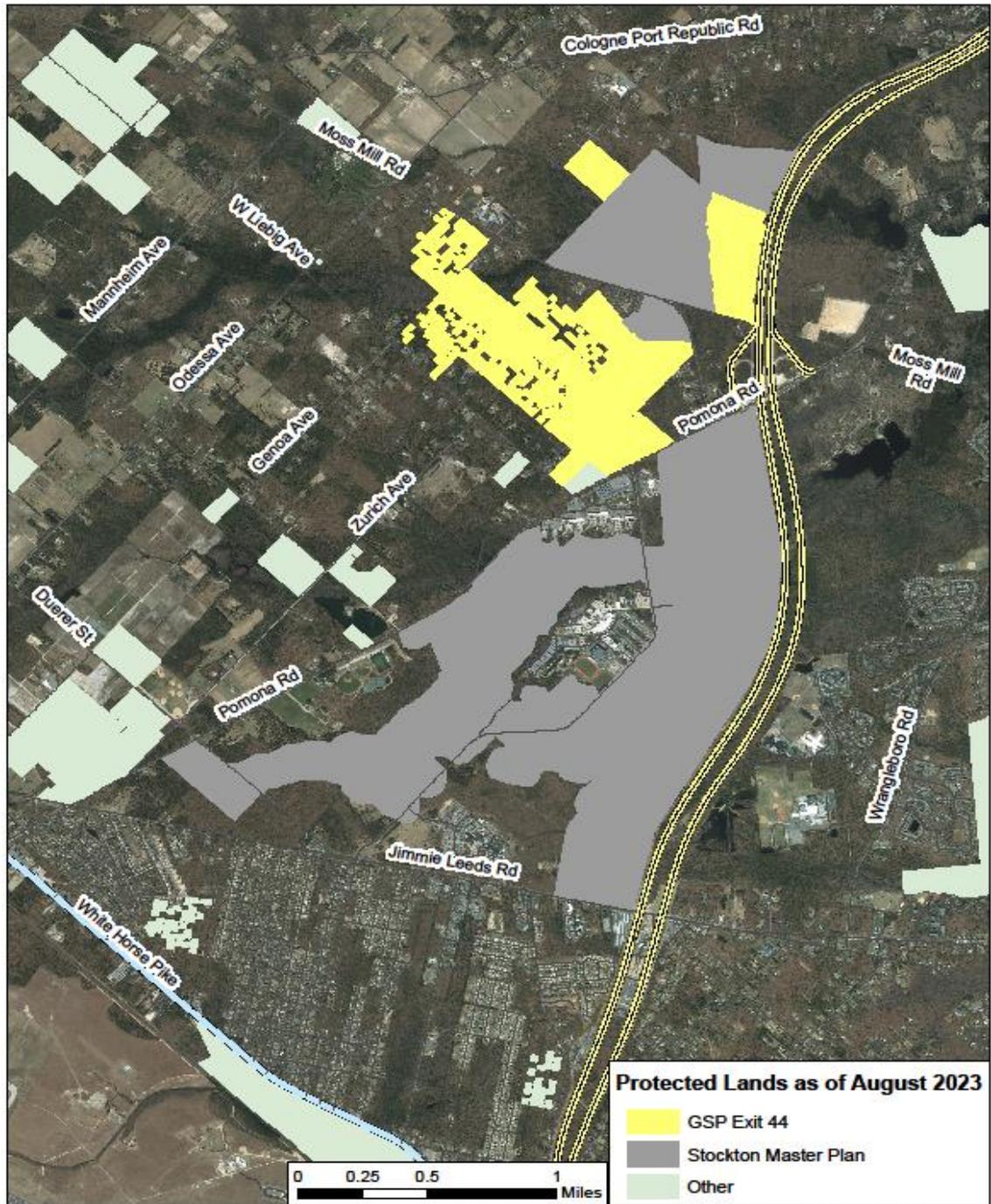
Secondary Impacts Agreement

- Atlantic County agreed to acquire lands to memorialize zoning in order to avoid changes in land use that would be inconsistent with the Pinelands land use program
 - 356 acres within 1.5 miles of Interchange 44 (Tier 1)
 - Lands in outer tiers (further from Interchange 44) to be considered after 3 years, if necessary
 - Complete within 6 years (December 2019)

Mile 44 Interchange Expansion

Zones of Impact





Extension of Secondary Impacts Agreement

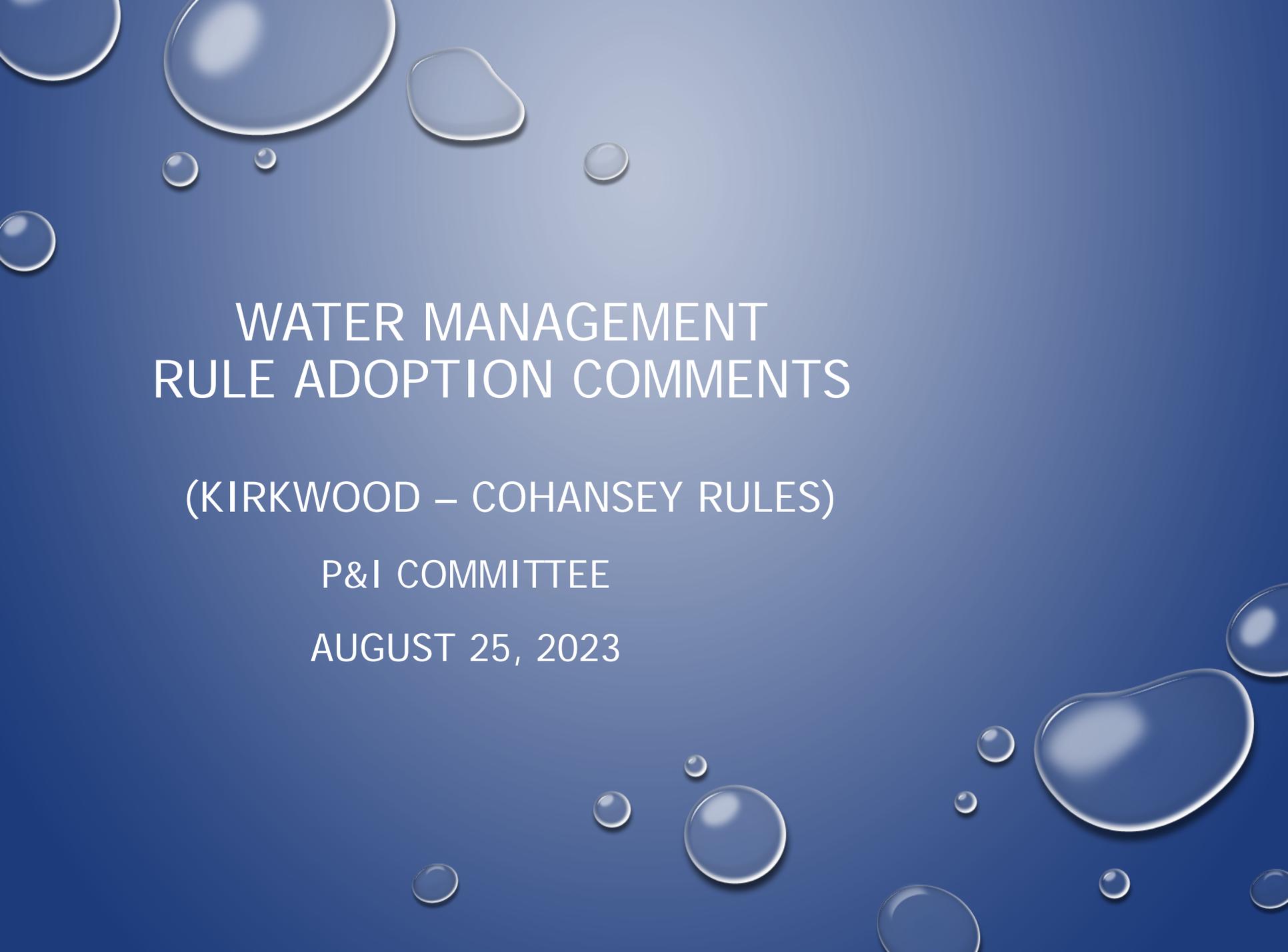
- The Commission previously granted Atlantic County two extensions of time to complete its obligation under the Secondary Impacts Agreement.
- The County has requested an additional 12-month extension to complete acquisition of the remaining 4 acres located in Tier 1.

Atlantic County's Efforts

- Atlantic County has acquired 352 out of the required 356 acres within Tier 1.
- Atlantic County is committed to pursuing acquisition of approximately 95 acres in this area.
- Title searches have been obtained for the individual lots and an updated appraisal report sought.

Staff Recommendation

- Allow the County to complete its acquisition of the remaining 4 acres to satisfy the Secondary Impacts Agreement, rather than triggering the provision in the agreement for the County's payment of funds to another entity.
- Grant a one-year extension of the acquisition deadline until September 7, 2024.

The background is a solid blue color with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered in the upper half of the page.

WATER MANAGEMENT RULE ADOPTION COMMENTS

(KIRKWOOD – COHANSEY RULES)

P&I COMMITTEE

AUGUST 25, 2023

BACKGROUND

K-C Project

- Gibson Bill
- Hydrologic studies
- Habitat & Species impact studies
- Stakeholder meetings (numerous & extended)

Need for Improvements to CMP

- Clearer requirements
- Objective metrics
- Incorporate K-C Project studies

Progressive Protections

- Greater protections in Preservation Area District, Special Agricultural Production Area & Forest Area
- Allow withdrawals in less restrictive Management Areas

AMENDMENT HISTORY

Proposed
Amendments -
September 6,
2022

- Two public hearings held
- Public Comments: support for amendments, requests for minor changes and clarifications, concerns from resource extraction industry regarding non-consumptive uses

Notice of
Substantial
Change – April
3, 2023

- Addressed concerns regarding non-consumptive use by adding definition and requirements for resource extraction industry application; minor changes and clarifications
- Public comment period ended June 3
- 6 commenters

SUBSTANTIAL CHANGE NOTICE

(COMMENTERS #21-26)

- PUBLIC HEARING COMMENTS (2)
 - Support for changes addressing non-consumptive use by resource extraction industry
- WRITTEN COMMENTS (6)
 - Support for changes
 - Amend definition of term “parcel” for resource extraction purposes
 - Add specific statement in rule that non-consumptive use will not result in interbasin transfers
 - Request that resource extraction companies be exempt from demonstrating non-consumptive use
 - Hydrogeologic report for resource extraction non-consumptive use is a significant burden
 - Review by Commission and DEP is duplicative
 - Objection to Commission and DEP meeting after close of comment period

RESPONSE DOCUMENT

- Minor technical change: “sealed wells” changed to “decommissioned” wells because of changes in NJDEP terminology
- Non-consumptive use demonstration for resource extraction operations:
 - No changes to rule language necessary
 - Response to comments notes that hydrogeologic reports intending to demonstrate non-consumptive use must ESTIMATE the volume of water returned
 - Consistent with reports prepared for Water Allocation Permit applications to NJDEP

ADOPTION NOTICE

- Approval from Governor's office to proceed with adoption: August 9
- Recommendation for adoption: September 8 Commission meeting
- Governor's approval of minutes O/A November 6
- Submitted for publication: NLT November 9
- Publication in NJ Register/ Effective Date: December 4, 2023

Policy & Implementation Committee

Fiscal Year 2023 Work Plan Update



August 25, 2023

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Status
Land preservation summit and acquisition round	Summit held 3/7/23; land acquisition round postponed.
Landfill closure assessments	Assessments completed for Woodbine and Berkeley landfills; development applications approved. Presentation on the staff's landfill capping analysis made in February 2023.
Septic pilot program	Comprehensive report provided to P&I in February 2023. Review of development applications ongoing.
Permanent land protection data and reporting	Map generated and annual PLP presentation made at October 2022 Commission meeting. State, county and NGO updates for FY23 received and entered into new database.

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Status
Kirkwood-Cohansey water management rules	Rule proposal published September 2022. Two public hearings held in late 2022. Reproposal of substantial changes authorized in February 2023 in response to public comment. Public hearing held on May 3, 2023, with comments accepted through June 3, 2023. Adoption notice drafted and submitted to Governor's office for review and approval on June 23, 2023.
ROW Pilot Program rules	Rule proposal language drafted, shared with P&I Committee and undergoing final staff review.
Black Run watershed rules	Presentation to P&I Committee in April 2023; rule proposal language, maps and data being generated.

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Status
Forest and Rural Development Area clustering rules	Amendments are still being drafted.
PDC rules	Rule language drafted to recognize municipal prerogative to increase densities and shift PDC obligation to nonresidential development if certain standards are met.
PDC supply and demand	Preliminary methodologies and estimates have been made and are undergoing refinement. A new “active” PDC project spreadsheet was created to provide staff with a more accurate picture of immediate demand.

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Status
Pinelands Infrastructure Trust Fund	Two projects that received PITF awards were active during the year. DAGs agreed that water projects can proceed through the state appropriation process. I-Bank drafted language for the appropriations bill.
Climate Committee support and initiatives	Management area boundary assessment underway. Dual use solar presentations made by BPU and Lightstar at July meeting. Participation on Interagency Council continues with preparation of Resilience Action Plans (Extreme Heat).

FY2023 Initiatives: NPS Economic Monitoring

Project/Initiative	Status
Economic Monitoring Statistics: 5-Year Update	All available data collected; data cleaning underway.
Economy of Parks and Open Space study	Some reports and data gathered; exploring identification of additional parameters
Brotherton Reservation excavation and education	Excavation completed in 2022.
Scenic Byway support and app development	Cell phone app abandoned due to time and cost.
Historic cemetery GPR mapping	Three potential cemeteries identified for future survey. Initial GPR work commenced in June 2023.
Archaeological symposium	Successful symposium held in November 2022.

FY2023 Initiatives

Project/Initiative	Status
Procedural CMP amendments	Amendments drafted for waiver and CF expiration, increased fees for violations, wetlands LOIs and waiver applications.
Municipal “model” stormwater ordinances	Model ordinance drafted and distributed to Pinelands towns. Adopted ordinances received and processed.
NJ Forest Stewardship Task Force <ul data-bbox="214 868 958 1086" style="list-style-type: none">• Develop and submit forestry policy proposals• Attend/monitor task force and work group meetings	Complete
Local communications facility plan amendment	RFP issued in March 2023. Executed contract with radio frequency consultant in June 2023. No formal amendment submissions yet.

FY2023 Initiatives

Project/Initiative	Status
<p>Stockton University 2020 Facilities Master Plan</p> <ul style="list-style-type: none">• DCR amendment and offset	<p>Master Plan and associated map reviewed by P&I in November 2022; appropriate changes to the DCR identified to recognize existing/planned infrastructure. Stockton submitted its DCR amendment request to NJDEP in June 2023. Work continues on development applications in an effort to resolve outstanding violations.</p>
<p>Amendment to Lake Lenape MOA with Atlantic County</p>	<p>MOA Amendment approved by Commission in February and fully executed by all parties in June 2023. The County has initiated the DCR amendment process with NJDEP.</p>

FY2023 Initiatives

Project/Initiative	Status
Secondary Impacts Agreement for GSP Interchange 44	Extension granted to Atlantic County through 9/7/2023 for completion of land acquisition obligation (+/- 14 acres).
Review (old) MOAs with NJDEP and identify necessary updates and revisions	Not started
Review and respond to other agency rulemaking	Comments submitted on BPU and NJDEP (PACT) rulemaking proposals

FY2023 Initiatives: Unanticipated Projects

Project/Initiative	Status
MOA requests from Pemberton and Stafford townships to accommodate accessible trails in wetlands buffers	Commission authorization to draft MOAs was granted for Pemberton and Stafford. Both MOAs are under development.
America the Beautiful/NFWF grant opportunities	Submitted pre-proposal for a grant related to land stewardship of properties preserved through the PCF; notified in June 2023 that pre-proposal was not selected.
Redevelopment plans to accommodate warehouses in RGA residential or mixed use zones	Approach developed, discussed with P&I and implemented by two municipalities.
ATV legislation	Legislation and municipal ordinances researched and discussed with P&I in March 2023.

FY2023: Municipal Conformance

- 171 municipal master plans and ordinances received
- 144 reviewed and determined to raise no issues or no substantial issues
- 8 required formal Commission review and approval:
 - Egg Harbor Township: Timber Ridge Redevelopment Plan
 - Evesham Township: Master Plan and management area changes
 - Southampton Township: Red Lion Diner Redevelopment Plan
 - Pemberton Township: Lakehurst Road Redevelopment Plan
 - Waterford Township: Repeal of streamlining procedures
 - Waterford Township: Amendments to the Haines Boulevard Redevelopment Plan
 - Monroe Township: Hexa Builders Redevelopment Plan

A photograph of a field of yellow wildflowers, likely a species of Asteraceae, with green foliage and some brown grasses. The flowers are in various stages of bloom, with some fully open and others as buds. The background is a mix of green and brown, suggesting a natural, outdoor setting.

P&I Committee
FY24 Workplan

August 25, 2023

Municipal Conformance

- Pemberton Township Redevelopment Plans
- Bass River Township Master Plan/Zoning Map
- Monroe Township Master Plan/Zoning Map
- South Toms River Redevelopment Plans
- Buena Borough Zoning Map
- Berlin Township Zoning Map
- Galloway Township Redevelopment Plans
- Stormwater implementing ordinances
- Cannabis facility ordinances

CMP Amendments

- Adoption/implementation of Kirkwood-Cohansey rules (water management)
- Rule proposal for ROW vegetation management
- Rule proposal for Black Run watershed protection
- Rule proposal for expiration of waivers and Certificates of Filing; application fee increases for violations and LOIs
- Draft rules for FA/RDA cluster development revisions and gap approval process
- Recommendations from the Climate Committee

Agency Plans and MOAs

- Stockton University 2020 Facilities Master Plan and DCR amendment
- Atlantic County Parkway Interchange 44 Secondary Impacts Agreement
- Accessible Trails MOAs
 - Pemberton, Stafford + other municipalities
- South Jersey Transportation Authority MOAs
 - Atlantic City Airport
 - Atlantic City Expressway expansion
- Old NJDEP MOAs (forestry, CAFRA, wetlands, etc.)

NPS Economic Monitoring Projects

- Economic Monitoring Statistics: 5-Year Update Report
- Economy of Parks and Open Space study
- Local Conformance/Zoning System development
- Historic Cemetery Mapping
- Native American Site: Field School

Additional Projects and Initiatives

- PCF Land Acquisition priorities and funding policy review; new acquisition round
- Second Permanent Land Protection Summit and ongoing NJDEP coordination
- PCF stewardship and monitoring report
- Local communications facilities (cellular) plan amendment
- PITF project monitoring and review of NJDEP proposed rules
- Affordable Housing: preparation for 2025 round; ongoing coordination with Fair Share Housing

Additional Projects and Initiatives

- PDC Supply and Demand methodologies and estimates
- PDC Bank legislative changes
- Review of other state agency rules (NJDEP, NJBPU, SADC)
- Dual Use Solar pilot program and CMP solar energy standards; coordination with NJBPU
- ORV/ATV issues
 - Model municipal ordinances
 - Development of methodology to assess restoration costs for damaged habitats

Unanticipated Projects!

- ???