

Disclaimer

These minutes reflect the actions taken by the Commission during its February 12, 2021 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 February 23, 2021.

PINELANDS COMMISSION MEETING

MINUTES

February 12, 2021

The February 12, 2021 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=-vSCLkRrQuo>

Commissioners Participating in the Meeting

Alan W. Avery Jr., Shannon Higginbotham, Jerome H. Irick, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Daniel Christy, Jordan P. Howell, Jane Jannarone and D'Arcy Rohan Green.

Call to Order

Chairman Prickett called the meeting to order at 9:32 a.m.

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

Executive Director Wittenberg called the roll and announced the presence of a quorum.

The Commission pledged allegiance to the Flag.

Minutes

Chairman Prickett presented the minutes from the Commission's January 8, 2021 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the January 8, 2021 Commission meeting were adopted by a vote of 8 to 0.

Honoring Commissioner Sean W. Earlen

Commissioner Avery made a motion Expressing the Commission's Appreciation to Sean W. Earlen for his Service as a Member of the Commission From July 27, 2011 to December 12, 2020 (See Resolution # PC4-21-03). Commissioner Lloyd seconded the motion.

Chairman Prickett read the resolution aloud. Commissioners in attendance thanked Commissioner Earlen for his service, for establishing the Land Use, Climate Impacts and Sustainability Committee, leading the Commission through many tough meetings and for the countless hours he committed to the Commission.

ED Wittenberg said Commissioner Earlen was a good Commissioner and Chairman. She said he was both reliable and smart.

Committee Reports

Chairman Prickett provided an update on the January 29, 2021 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of its October 30, 2020 meeting.

The Committee recommended that the full Commission certify the following two ordinances:

- Medford Township Ordinances 2020-21 and 2020-23, adopting a Redevelopment Plan for the Taunton and Tuckerton Rehabilitation Area and rezoning two lots from the CC (Community Commercial) Zone in the Regional Growth Area to the RS-2 (Rural Suburban) Zone in the Rural Development Area
- Monroe Township Ordinances O:27-2020 and O:29-2020, adopting an amendment to the Williamstown Square Redevelopment Plan and a new redevelopment plan for the St. Mary's Redevelopment Area

The Committee received an update on the draft Comprehensive Management Plan (CMP) amendments for stormwater management. These complex amendments will be presented at the Committee's February 26, 2021 meeting. The Pinelands municipalities have all been advised that the March 2, 2021 obligation to meet the New Jersey Department of

Environmental Protection's deadline to adopt an implementing ordinance for its new stormwater rules applies only to the non-Pinelands area.

The Committee received a presentation on those activities that are exempt from application to the Commission and requested further discussion.

The Committee recommended the full Commission adopt the resolution celebrating the 40th Anniversary of the Pinelands CMP.

Commissioner Lohbauer provided an update on the January 20, 2021 Land Use, Climate Impacts & Sustainability (LUCIS) Committee meeting:

The minutes of the October 30, 2020 meeting were adopted.

Staff then presented information on several subjects that were each followed by discussion by the Committee:

Staff gave an update on solar energy facility development in the Pinelands Area. It was noted that the NJ Board of Public Utilities (BPU) Community Solar Pilot Program is underway and includes projects planned for the Pinelands. Staff will develop draft amendments to the CMP for the consideration of the Committee on this issue.

Staff also updated the Committee on the NJDEP's NJ Protecting Against Climate Threats (PACT) regulatory reform program.

Staff demonstrated the NJ Flood Mapper Total Water Level tool, which is an interactive map available to the public online at www.njfloodmapper.org. The tool shows the possible impact of flooding to an area in the state utilizing data from the National Weather Service, the National Oceanic and Atmospheric Administration, and the Federal Emergency Management Agency.

Staff staff also provided an update of pending legislation in the Statehouse that has bearing on the work of the Committee, including:

- S2607 and A2785 passed both the Senate and the Assembly in December and when signed into law will require that all Municipal Master Plans include a climate change vulnerability assessment;
- S2605 and companion bill A4554, which directs the NJ BPU to develop utility-scale solar energy plants coupled with utility-scale battery storage, to be incentivized by the Preserve NJ Fund.
- S3184 and companion bill A2421 which would provide a corporation business tax credit and a personal income tax deduction for the cost of installation of Electric Vehicle charging stations, and

- S3091 and companion bill A4933 which require builders to offer unit concrete products that utilize Carbon footprint-reducing technology as an option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize Carbon footprint-reducing technology.

It was noted that the Committee Chairman supplied the Committee members with a copy of a letter sent by a group of climate scientists to President Biden urging his support of proforestation as a carbon mitigation technique and recommending that the Committee examine proforestation as well. The Committee Chairman also suggested the possibility of changing the name of the Committee.

Chairman Prickett said he would like discuss the possibility of re-instating the Agricultural Committee as a subcommittee of the P&I or LUCIS Committees.

Executive Director's Report

ED Wittenberg provided information on the following items:

- The Commission will begin the process to fill a number of vacant positions stemming from employees that have either retired or left.
- Staff has been very busy during the last month, working on the Kirkwood-Cohansey rules and draft stormwater amendments.
- Staff prepared a number of letters for solar energy facilities in the Pinelands Area. The letters address whether a proposed facility is consistent with Pinelands land use priorities and are a requirement for submitting an application to the New Jersey Board of Public Utilities Community Solar Energy Pilot Program.

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

- Staff worked closely with Winslow Township officials regarding a six-acre parking lot expansion at an existing large warehouse. Staff recently issued a letter permitting the final site plan approval issued by the Winslow Township Planning Board to take effect.
- There continues to be great public interest in the change of use application for the Atco Raceway. The Commission issued a Certificate of Filing in November of 2020 and the application is now before the Waterford Land Use Board.
- Staff has been working with Galloway Township to resolve a commercial violation and attended a municipal court hearing on the matter. The applicant was advised to apply to the Township and the Commission.
- A Woodland Township resident filed legal action against the municipality for a procedural defect in the Township's process for a proposed communication tower at the Fire and EMS station. The Commission issued a Certificate of Filing for the tower but a hearing was scheduled because of a permitted use issue. The applicant will be seeking a new approval from the planning board.

Director Horner shared a recent situation where a staff member had to review an old file that only exists on paper and not in a digital format. He said staff has maintained very good records for development applications dating back to 1980.

Planning Director Susan R. Grogan added that sometimes a town will call the Planning Office looking for one of its own old master plans or ordinances and staff is almost always able to assist. She said the Commission's records are extensive and well kept.

Director Grogan provided an update on the following Planning matters:

- Staff has made great progress on the draft stormwater amendments, which will be shared with the P&I Committee later this month.
- The Commission is working on a potential partnership with the U.S. Geological Survey (USGS) for the modeling review process associated with implementation of the Kirkwood-Cohansey rules.
- As ED Wittenberg briefly mentioned, the Commission staff issued about 10 to 12 letters to consultants and developers applying for the second round of the Community Solar Energy Pilot Program. Some of the solar projects were proposed on landfills, two were for floating solar arrays and some were on sites where staff was previously unaware of any interest or application.
- At this time, there is no news on the national designation of the Pine Barrens Byway.

Stacey Roth, Chief of Legal and Legislative Affairs, said she recently responded to an inquiry from Congressman Van Drew's office.

Paul Leakan, Communications Officer, said the CMP turned 40 on January 14th and since then staff have been sharing the specially curated messaging campaign on all its social media outlets. Most recently the Commission highlighted each Pinelands Management Area including many photos and shared more than 150 photos of sites located within those management areas. He said the posts have helped to educate the public about the purpose and importance of the management areas. He said upcoming, daily posts will focus on plant and animal species that benefit from Pinelands protection. The Commission's staff will compose and share future posts about the work of the Regulatory Programs, Planning, Science and the Communications offices. The Commission's social media sites are thriving as a result of these popular, daily postings, which have been reaching almost 30,000 people during the past 28 days.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of a Waiver of Strict Compliance for the development of a single family dwelling in Lacey Township.

Commissioner Lloyd made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2019-0143.001) (See Resolution # PC4-21-04). Commissioner Lohbauer seconded the motion.

Director Horner said the waiver is necessary because the parcel is slightly under a one-acre parcel. He said the lot is located in a Pinelands Village and will be served by an on-site septic system.

The Commission adopted the resolution by a vote of 8 to 0.

Planning Matters

Chairman Prickett presented the Medford Township Ordinances and Redevelopment Plan.

Commissioner Lloyd made a motion Issuing an Order to Certify Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area (See Resolution # PC4-21-05). Commissioner Pikolycky seconded the motion.

Director Grogan noted that the Ordinances and Redevelopment Plan were discussed at length at the P&I Committee meeting, where Medford Township's consulting planner joined the conversation and provided additional information as to Medford's intentions. She said the area is commercially zoned and in a Pinelands Regional Growth Area. She noted that two residentially developed lots are being rezoned from a Regional Growth Area to a Rural Development Area, and it is an appropriate management area designation change.

The Commission adopted the resolution by a vote of 8 to 0.

Chairman Prickett presented the Monroe Township Ordinance and Redevelopment Plan.

Commissioner Avery made a motion Issuing an Order to Certify Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary's Redevelopment Plan (See Resolution # PC4-21-06). Commissioner Lohbauer seconded the motion.

Director Grogan said the Redevelopment Plans are in response to the township's affordable housing settlement agreement with the Fair Share Housing Center. She said the St. Mary's Redevelopment Plan situated along the Black Horse Pike will allow for 100% age-restricted affordable housing. She said there will be about 75-80 apartment units in one or more buildings, and that equates to a density of about 20-units per acre. She said the Williamstown Square Redevelopment Plan is an amendment to a redevelopment plan the Commission has previously approved. The Township plans to adjust some of the permitted uses in the redevelopment area, adding assisted living facilities. Additionally, there will be an increase in the minimum number of units required. Maximum permitted density has also increased. She said because the St. Mary's Redevelopment Plan is limited to 100% affordable housing, the Township has chosen to transfer the Pinelands Development Credit obligation that would normally apply in the St. Mary's area to the Williamstown Square Redevelopment Area.

Commissioner Irick asked if the overall density of Monroe Township has changed as a result of the Redevelopment Areas.

Director Grogan said there has been an increase in density, but noted that the CMP permits municipalities to increase density in Regional Growth Areas as long as certain standards are met.

Commissioner Irick requested that redevelopment be discussed in general at a future P&I Committee meeting.

Chairman Prickett said redevelopment can be added to a future P& I Committee meeting agenda.

The Commission adopted the resolution by a vote of 8 to 0.

Public Comment on Public Development Applications and Items where the record is open

Chairman Prickett read the list of Public Development Applications. No one provided comment on the applications.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action.

- Hamilton Township Ordinance 1940-2020
- Stafford Township Ordinances 2020-38, 2020-39, 2020-40 & 2020-41

No questions were raised.

Other Resolutions

Chairman Prickett presented the resolution recognizing the 40th Anniversary of the Comprehensive Management Plan.

Commissioner Lohbauer made a motion Celebrating the 40th Anniversary of the Pinelands Comprehensive Management Plan (See Resolution # PC4-21-07). Commissioner Lloyd seconded the motion.

Communications Officer Leakan said this resolution helps to raise awareness of the Pinelands, marks this important milestone and recognizes everyone who has been involved in the success of the CMP.

Commissioner Lohbauer and Chairman Prickett both noted how they wish Commissioner Ashmun could be here so she could reflect on the last 40 years.

The Commission adopted the resolution by a vote of 8 to 0.

General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance (PPA) said there must be accountability for the six Inadvertent Returns (IRs) that occurred in the Pinelands Area during the construction of the SRL pipeline. She said more than 1,300 gallons of drilling sludge was released into Pinelands wetlands and forests. She said the CMP requires the protection of water, wetlands, plants and wildlife. She said the 2017 Executive Director's Report made certain assurances that horizontal directional drilling (HDD) would not damage the wetlands, even though Ms. Grech asserted that HDD has an industry failure rate of 50%. She said there should be a full investigation as to the cause and impacts of the IR incidents and the Commission should work with the NJDEP on the matter.

Patricia Caruso of Upper Freehold Township thanked the Commissioners who voted against the SRL pipeline. She said it's disturbing and disappointing that New Jersey Natural Gas allowed numerous spills to occur without consequences. She said it's also disturbing and disappointing that the Executive Director withheld information about the spills. She raised concerns about NJNG's ability to properly install the pipeline. She spoke about her neighbor's house being condemned and she said she hopes that some of the vacant seats on the Commission can be filled.

Written comments were received from a member of the public after the meeting and are attached to these minutes.

Chairman Prickett suggested HDD be discussed at a future P&I Committee meeting. He noted that Commissioner Avery was curious about the source of the HDD failure rate and some other Commissioners had questions.

Commissioner Irick said he attended the IR site visit and it appeared that the site had been restored, however there is no way to know what has happened underground. He asked if the Commission has the authority to request an underground study of one of the IR sites.

DAG Miles said that she could provide advice but the Commission would have to retire into closed session, and because there is barely a quorum at today's meeting, it might be better to wait.

Commissioner Lohbauer said he would like guidance on Ms. Grech's suggestion of partnering with the NJDEP on providing monitoring data of the IR sites.

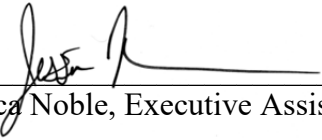
Members of the Commission agreed to wait for attorney-client guidance at a future Commission meeting.

Commissioner Irick suggested that when Commissioners leave the Commission, they should be provided with a plaque in addition to a resolution. He would like to discuss that topic further.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 11:17 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: February 23, 2021

Sent: Friday, February 12, 2021 11:34 AM

To: Info, PC <info@pinelands.nj.gov>

Subject: [EXTERNAL] Public Comment was not available during 12 Feb. mtg.

Good morning,

I tried multiple times this morning to call into the meeting today for public comment. I was put into a waiting room, and it was not possible to get through. I would like to encourage the Commission to make sure that it is possible to call into the meeting. I would like to voice my concern for the public record and I include my statement below:

"I'm calling to express my alarm that fracked gas and unsound pipeline practices have been invited into the Pinelands, an environmentally sensitive region, under your watch. I am alarmed by the lack of transparency. On the Commission website, there is no information about the multitude of spills, about any environmental impact report or plan to report on the impact of 8 accidents. These forewarned accidents spilled over 1300 gallons of drilling sludge into the region that you are charged to protect, our Freshwater Wetlands, which are under extreme pressure on account of loss of habitat in our state. Our state suffers from an abundance of superfund sites, including a remediated one at Fort Dix. This area has repeatedly suffered from negative environmental intervention on our watch. As Commissioner Prickett has said there are a lot of "teeny species" and these are under your charge. How deeply sloppy and alarming is this timeline of spills: on Feb 4, Feb 7, Feb 8 of 2019. What impact does this have on overwintering animals in the wetlands? The significant damage done to our streams. It's a case study of dereliction of duty, industrial negligence, and an incredible ignorance among the Commission about the national impacts of HDD. How has there been no accountability??

Thank you, Commissioner Lohbauer, for your thorough review of sustainable and carbon-reducing initiatives that will be considered to move the state and the Pinelands towards carbon neutrality and climate protection— of high concern for the mid Atlantic states. It is alarming, however, that the spills was not addressed in your reports. I ask the Commission to include more information on its public page, to hold NJNG accountable - truly accountable, to map where these spills occurred, to post the Inadvertent Return Response Plan. For those of us who have read, visited, suffered the harms of water contamination, land contamination, and the real injury that stems from toxins infiltrating water systems— this has been devastating news. You are all charged with stewardship of one of the most precious regions in NJ, in the country. Please do better, please hold NJNG accountable. Spills must be unacceptable, which means that this project should have never passed through the Pinelands in the first place. It is equally devastating to hear the Commission say that they need to review pipeline practices because this might occur in the future. That is deeply disheartening given the clear potential for devastation. A commissioner mentioned that it "looks" like the spills were cleaned up, but there absolutely needs to be a professional and thorough investigation of the spills.

Finally, I have a suggestion for the name change from the Committee for Land Use Sustainability and Climate Change *to* the Committee for Sustainable Environmental Action. "CSEA" "C-C" "Climate Change" to center climate change and action."

Thank you for recording my public comment.

Respectfully,

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Kristen Strehle, Ph.D.

kristenstrehle.com/about