

Disclaimer

These minutes reflect the actions taken by the Commission during its May 13, 2022 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 20, 2022.

PINELANDS COMMISSION MEETING

MINUTES
May 13, 2022

The May 13, 2022 Pinelands Commission meeting was conducted both in-person and remotely. All participants were either in-person or present via Zoom conference. The meeting was livestreamed through YouTube:

<https://www.youtube.com/watch?v=kZNxE8M9SY4>

Commissioners Participating in the Meeting

Alan W. Avery, Jr., John Holroyd, Jerome H. Irick, Theresa Lettman, Mark Lohbauer, Jonathan Meade, William Pikolycky and Chair Laura E. Matos. Also participating were Acting Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Nicolas Seminoff and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

Dan Christy, Jane Jannarone, Ed Lloyd, Davon McCurry and Gary Quinn.

Call to Order

Chair Matos called the meeting to order at 9:44 a.m.

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

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's April 8, 2022 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Irick seconded the motion.

The minutes from the April 8, 2022 Commission meeting were adopted by a vote of 8 to 0.

Committee Reports

Chair Matos provided an update on the April 29, 2022 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes from its March 25, 2022 meeting.

The Committee was briefed on Winslow Township's 2019 Master Plan Reexamination Report Phase II and Ordinance O-2022-004, implementing zoning changes along Route 73 in the Regional Growth Area. The Committee voted to recommend certification to the full Commission.

The Committee discussed prioritizing future amendments to the Pinelands Comprehensive Management Plan (CMP) and concurred with the Acting Executive Director's recommendations to:

- Complete implementation of the recently adopted stormwater rules
- Complete the rulemaking process for the Electric Transmission Right-of-Way Pilot Program and the Kirkwood-Cohansey water supply rules
- Prepare a rule proposal containing amendments related to the Pinelands Development Credit (PDC) program, the Black Run Watershed, the "gap rule" permitting process, cluster development, expiration dates and increased fees for violations
- Prepare a work plan for the Climate Committee that identifies specific CMP amendments
- Monitor rulemaking activities of other state agencies
- Identify and prioritize additional CMP amendments to address over the next three years

The staff will prepare a work plan and related budget for the Committee's review in June.

Recognizing Commissioner Shannon Higginbotham

Acting ED Grogan read the resolution into the record. She displayed the gift, a photo of the south branch of the Rancocas Creek in Southampton Township, printed onto a canvas.

Commissioner Pikolycky made a motion Expressing the Commission's Appreciation to Shannon Higginbotham for her Service as a Member of the Commission From December

13, 2020 to April 9, 2022 (See Resolution # PC4-22-18). Commission Lohbauer seconded the motion.

Commissioner Lohbauer thanked Commissioner Higginbotham for serving on the Climate Committee and added that it was unfortunate he never met her in-person.

Chair Matos said she also never met Commissioner Higginbotham but thanked her for her service.

Acting ED Grogan said Commissioner Higginbotham had come to the Commission a number of months ago to tour the Commission property and meet staff members. She said it's a shame to lose Commissioner Higginbotham because she was so interested in the work the Commission is doing.

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

Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

- The P&I Committee and Climate Committee will meet back-to-back on Friday May 27th. The Personnel & Budget Committee is scheduled to hold a meeting on June 14th to discuss the Fiscal Year 2023 budget.
- The office is open and welcoming visitors. Staff is back to holding in-person meetings and members of the public can come to the office to review files once again.
- Staff continue to work on a policy to implement the new Telework Pilot Program established by the both the State and Civil Service Commission. The program would allow employees to work remotely up to two days per week.
- The Commission's Human Resources Manager, Zobeida Concepcion, resigned and her last day was April 29th. She performed a wide variety of personnel functions. The recruitment process to find a replacement has begun.
- The Commission has submitted its grant application to the NJ Historic Trust for funds to prepare a preservation plan for Fenwick Manor, with the goal of eventually obtaining money to paint the structure. A total of 85 grant applications were received, and the Commission will be notified in September. The Commission has received a number of bids in response to its Request for Proposal (RFP) for preparation of the preservation plan.
- Staff Archeologist, Tony McNichol, performed a weeklong excavation of what was the site of Brotherton Reservation in Shamong Township during the end of April. A

future presentation on the dig will be provided to the full Commission later this year. The National Park Service provided the funding to make the excavation possible.

- Invitations have been mailed to the Commission's preservation partners regarding the most recent round of land acquisition funding. Applications will be accepted until July 15.
- A few Commissioners and staff members met remotely with the New Jersey Department of Environmental Protection (NJDEP) to discuss motorized vehicle access and damage at Wharton State Forest. Acting ED Grogan said she would be reaching out to the NJDEP to define the Commission's role. She said the department will be renewing its efforts with enforcement and education.
- At the April Commission meeting, staff notified Commissioners that a petition to amend the CMP was received from Bill Wolfe. The Commission has only received approximately 10 amendment petitions in the last 40 years. Staff has been corresponding with Mr. Wolfe to explain the specific process and submission requirements outlined in the CMP. The petition relates to development restrictions in wildfire hazard areas throughout New Jersey. The petition was also submitted to the NJDEP and the Highlands Council. A more in-depth discussion on the amendment petition will occur at the May 27th P&I Committee meeting.

Commissioner Lohbauer said he is pleased to hear that the petition request will be discussed at the P&I Committee meeting. He noted that when a petition is submitted by a member of the public, it could determine a weakness in the CMP. He said staff should assist petitioners just like they help applicants with deficient development applications.

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

- On May 5th, staff held a pre-application meeting for a marina expansion in Washington Township. He said it is complicated to apply municipal zoning and determine a zoning boundary on a body of water. The Commission has not received a formal application yet but the public has been submitting comments on the proposal to the Commission.
- The Acting Executive Director sent an emergency authorization letter to Burlington County for a bridge replacement on Jackson Road in Medford Township. An application will be submitted at a later date.
- Several years ago, the Commission issued a Certificate of Filing for the development of 457 single family dwellings and a private school in Jackson Township. The application was denied by the Jackson Township Planning Board. A settlement agreement was recently signed by the Township and the developer, stating that no township approval was necessary. The Commission is currently

reviewing the document stemming from the settlement and will ensure consistency with the CMP.

- The Forest Stewardship Task Force held a kick-off meeting on April 28th. The task force is run by four co-chairs and will be considering 10 policy objectives for forestry in the state of New Jersey. Approximately 200 members of the public attended the meeting virtually and about 100 people signed up for public comment.

Stacey Roth, Chief, Legal & Legislative Affairs, provided the following update:

- Staff has been in discussions with representatives from Stockton University, and they will be present at the May 27th P&I Committee meeting to discuss the University's 2020 Master Plan. The Stockton 2010 Master Plan designated areas of development and a Deed of Conservation Restriction to protect wetlands and certain habitat. Unfortunately, the conservation restriction is now prohibiting utility infrastructure and, in turn, is affecting all future development at the University. The need to amend the Deed of Conservation Restriction will be discussed.
- The Appellate Division issued an Order regarding an appeal filed by the Pinelands Preservation Alliance (PPA) stating that the South Jersey Gas (SJG) matter is moot. PPA wanted the Court to remand the application back to Commission to adopt a resolution denying its prior approval. The Order states that SJG must file a new application with the Commission if they choose to pursue a new project in the Pinelands.
- The DEP's PACT (Protection Against Climate Threats) rules are expected to come out during the 3rd quarter of this year.

Paul Leakan, Communications Officer, provided the following information:

- Staff provided a number of educational programs both in-person and virtually throughout April. The Commission will host a live music performance at 4 p.m. on May 20th. The performance will include instrumental songs that incorporate recordings of nature in the Pinelands.
- The Commission will co-organize and hold a springtime World Water Monitoring event at Batsto Lake on June 2nd.
- The 6th annual Pinelands Summer Short Course will be held at Kramer Hall in Hammonton on July 21st.
- The Commission will hold its annual Pinelands Orientation for Newly Elected Municipal Officials on July 26th. The event will be held in-person and virtually.

Mr. Leakan displayed a video clip of a Science staff member describing the Commission's ongoing efforts to radio track Eastern box turtles in the Pinelands.

Public Development Projects and Other Permit Matters

Chair Matos presented a resolution for the installation of a synthetic turf athletic field at Seneca High School in Tabernacle Township.

Commissioner Pikolycky made motion to adopt a resolution Approving With Conditions an Application for Public Development (Application Number 1997-0045.013) (Resolution #PC4-22-19). Commissioner Lohbauer seconded the motion.

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

Director Horner noted that the application is to replace an existing grass field with synthetic turf.

Commissioner Meade asked how the synthetic turf functions differently from natural grass fields as it relates to infiltration.

Director Horner said stormwater on artificial turf is infiltrated below the field to a subsurface infiltration system rather than with a natural grass field, which is graded to capture stormwater runoff.

Planning Matters

Chair Matos said the next resolution is related to certification of Winslow Township's Master Plan and ordinance.

Commissioner Lohbauer made motion to adopt a resolution Issuing an Order to Certify the Winslow Township 2019 Master Plan Reexamination Report Phase II, the First Addendum to the Master Plan Reexamination Report, the Second Addendum to the Master Plan Reexamination Report, and Ordinance O-2022-004, Amending Chapter 296 (Zoning Within Pinelands Area) of the Code of Winslow Township (Resolution #PC4-22-20). Commissioner Avery seconded the motion.

Acting ED Grogan said staff has been working for many years with Winslow Township regarding modifications to its zoning along the Route 73 corridor. All lands to be rezoned are within the existing boundaries of Winslow's Regional Growth Area (RGA). The town would like to maximize its commercial development potential along Route 73 and plans to achieve this by rezoning existing residential and mixed-use zones that front along Route 73 to commercial zones. She said the town will promote residential development behind the commercial development. The rezoning will also permit additional types of residential housing such as condos, townhouses and apartments that are becoming more popular in the RGA in the Pinelands and throughout New Jersey. She said because the town is increasing its overall residential zoning capacity, a 25% mandatory Pinelands Development Credit (PDC) obligation will now be required. She said staff is happy to recommend certification of the ordinance.

Commissioner Irick said he abstained from voting on the resolution regarding Winslow Township during the April 29th P&I Committee meeting. He said, after the meeting, he reviewed the section of the CMP that describes the use of PDCs. He said the sale of PDCs may create positive opportunities for Atlantic County, Pinelands farmers and landowners, and he will be voting in favor of this resolution.

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

Director Horner noted that the Mayor from Maurice River Township may be listening to the meeting since the Township has an application (Application # 1990-1140.003) up for comment.

No one provided public comment during this time.

Ordinances Not Requiring Commission Action

Acting ED Grogan said each month a memo is provided to Commissioners summarizing each ordinance and does not require Commission action.

Chair Matos read the list of ordinances listed on today's agenda that do not require action.

- Egg Harbor Township Ordinances 7-2022 & 14-2022
- Hamilton Township Ordinance 1981-2022
- Manchester Township Ordinance 22-10
- Ocean Township Ordinance 2020-18
- Winslow Township Ordinance O-2022-008

General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance thanked Commissioner Higginbotham for her service. She said Joel Mott of the Public Programs office does a great job with his outreach programs. She said PPA issues a "State of the Pinelands" report each year. She provided a copy to Commissioners. She said Governor Murphy restored full Payment in Lieu of Taxes (PILOT) funding in the FY22 Budget but in the FY23 draft budget, the funding has been decreased to \$6.5 million. She emphasized the fact that the money is very important to Pinelands municipalities that have a greater amount of their land preserved in open space.

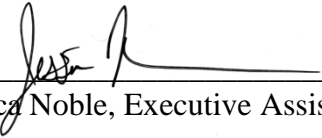
Link to the "State of the Pinelands" report:

<https://pinelandsalliance.org/wp-content/uploads/2022/03/PPA-StateofthePinelands22-for-web.pdf>

Adjournment

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 10:51 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: May 19, 2022