



State of New Jersey  
 THE PINELANDS COMMISSION  
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 Governor  
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RICHARD PRICKETT  
 Chairman  
 SUSAN R. GROGAN  
 Acting Executive Director



Pinelands  
 Comprehensive  
 Management Plan  
*Four Decades of Protection*

## NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, October 8, 2021 - **9:30 a.m.**

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 838 3014 1435

### 1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

### 2. Adoption of Minutes

- September 10, 2021

### 3. Committee Chairs' and Executive Director's Reports

4. Chairman's update on the status of the Executive Director search process, including announcement of a new Search Committee and potential action by the Commission relating to application deadlines

### 5. Matters for Commission Consideration *Where the Record is Closed*

#### A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approvals
  - None

- Public Development Projects and Waivers of Strict Compliance:
  - Application No. 1990-0868.033 – New Jersey Department of Environmental Protection  
Spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower  
Bass River Township

B. Planning Matters

- Municipal Master Plans and Ordinances
  - None
- Other Resolutions
  - None
- CMP Amendments
  - None

6. Public Comment on Public Development Applications and Waivers of Strict Compliance *Where the Record is Not Closed*

A. Public Development Projects

- Application No. 2001-0236.002 – Monroe Township  
Construction of a dog park, a 1,370 linear foot stone access road, 4,250 linear feet of paved and stone walkways and a ten space stone parking lot  
Monroe Township
- Application No. 2016-0072.001 – Cape May County  
Widening of 4,000 linear feet of County Route 610 to a width of 34 feet and the installation of 1,180 linear feet of six foot wide sidewalk  
Dennis Township
- Application No. 2020-0162.001 – Estell Manor City  
Paving of 1,400 linear feet of the existing gravel 5th Avenue right-of-way to a width of 18 feet  
Estell Manor City
- Application No. 2021-0219.001 – Winslow Township  
Demolition of a single family dwelling, 50 years old or older  
Winslow Township
- Application No. 2021-0220.001 – Winslow Township  
Demolition of a single family dwelling, 50 years old or older  
Winslow Township

- Application No. 2021-0221.001 – Winslow Township  
Demolition of a single family dwelling, 50 years old or older  
Winslow Township
- Application No. 2021-0222.001 – Winslow Township  
Demolition of a single family dwelling, 50 years old or older  
Winslow Township

B. Waivers of Strict Compliance

- None

7. Master Plans and Ordinances Not Requiring Commission Action

- Medford Township Ordinances 2020-22 and 2021-10

8. Other Resolutions

- To Accept the Fiscal Year 2019 Audit Report

9. General Public Comment

10. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)

11. Adjournment

**Upcoming Meetings**

Wed., Oct. 13, 2021	Climate Committee Meeting (9:30 a.m.)
Fri., Oct. 29, 2021	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., Nov. 12, 2021	Pinelands Commission Meeting (9:30 a.m.)

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.

Pinelands Commission and Committee meeting agendas are posted on the Commission's Website and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/) for more information on agenda details, e-mail the [Public Programs Office](mailto:PublicProgramsOffice@pinelands.nj.gov) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES  
**September 10, 2021**

*The September 10, 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=M8cfMxz7T50>*

Commissioners Participating in the Meeting

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

Commissioners Absent

Daniel Christy, Gary Quinn & D'Arcy Rohan Green.

Call to Order

Chairman Prickett called the meeting to order at 9:38 a.m.

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

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

Chairman Prickett dedicated the pledge to the tragic events that occurred on September 11, 2001. The Commission pledged allegiance to the Flag.

## Minutes

Chairman Prickett read the following statement:

Before the Commission adopts the August 13th Commission Meeting minutes, I would like to make a statement and then explain how we should proceed in this unusual circumstance.

First, I would like to follow up with Commissioners on the letter you were forwarded by the Chair from the Governor, vetoing the establishment of the Executive Director (ED) Search Committee described in the August minutes. Since the beginning of this week the Chair and Vice Chairman have been discussing with the Governor's Authority Unit ways to resolve the procedural matters mentioned in the Governor's letter.

Yesterday, the Governor's Authority Unit invited the Chairman and Vice Chair who is also Chair of the Personnel and Budget Committee to meet next week with their new Director Noreen Giblin and talk about how we can move forward cooperatively in selecting the next Executive Director.

I am confident that we can work cooperatively on this matter and suggest that during the October Commission meeting we discuss any formal steps we might need to take.

From what I understand, a Governor's veto does not remove the description of the action, but nullifies the action conveyed in the minutes. To keep with past practice, the Commission should first adopt the minutes as they are and then amend the minutes to include a notation at the end of the discussion of the formation of an ED Search Committee, indicating the action had been vetoed.

Chairman Prickett presented the minutes from the Commission's August 13, 2021 meeting. Commissioner Lloyd moved the adoption of the minutes. Commissioner Higginbotham seconded the motion.

The minutes from the August 13, 2021 Commission meeting were adopted by a vote of 8 to 0.

Chairman Prickett asked for a motion to amend the August 13, 2021 Commission Meeting minutes to contain a notation at the end of the second paragraph on page PC2-51, indicating that the Governor had vetoed the formation of the ED Search Committee.

Commissioner Higginbotham made a motion to amend the August 13, 2021 minutes. Commissioner Pikolycky seconded the motion.

Commissioner Irick asked if the advertisement and search for an ED continue.

Chairman Prickett said the search continues and the job advertisement remains valid.

The motion carried by a vote of 8 to 0. The amended August 13, 2021 meeting minutes were adopted.

### Committee Reports

Chairman Prickett said the August 27<sup>th</sup> Policy & Implementation (P&I) Committee meeting was canceled. He noted that a few Commissioners attended a site visit that morning at Bass River State Forest with Acting Executive Director Grogan and Regulatory Programs Director Charles Horner. He said the purpose of the visit was to assess the area subject of the New Jersey Department of Environmental Protection's application to use herbicide to treat certain invasive species. He noted that the application was tabled at the August Commission meeting.

Commissioner Lohbauer said the August Climate Committee meeting was also canceled. He said the Committee will meet on September 15<sup>th</sup>.

Commissioner Avery provided an update on the August 24<sup>th</sup> Personnel & Budget Committee meeting:

The Committee adopted the minutes from the February 23, 2021, meeting.

The check registers, electronic disbursements and application fees covering January 2021 to June 2021 were reviewed. It was noted that the Fiscal Year (FY) 21 application fees were at 169% of the anticipated amount.

The Committee discussed the submission of an application to the Board of Public Utilities (BPU) for a local government energy audit of the Commission's offices. A motion was made that the full Commission consider it.

The Draft Fiscal Year 2022 Budget was presented and recommended for approval by the full Commission. The budget includes the energy audit as an initiative.

Committee members discussed the Executive Director Search Committee process and schedule.

There was no public comment and there was no closed session.

### Acting Executive Director's Report

Acting ED Grogan provided information on the following:

- The Audit Committee met to discuss the Fiscal Year 2019 audit report; there were no findings. A resolution to accept the FY 2019 Audit report may be on the Commission's October meeting agenda.

- Recruitment to fill six vacancies has begun. Staff is in the process of finalizing job postings and advertisements.
- Staff continue to work a hybrid schedule with three days a week in the office and the other two at home. This schedule will continue through October 18<sup>th</sup>, at which time the Governor has directed all state employees to be back in the office full time.
- The revised and reissued Request For Proposal (RFP) for the exterior painting of Fenwick Manor only generated one bid, and it was almost three times over the budget of \$95,000. Staff will be reaching out to Treasury to discuss the matter.
- On September 1<sup>st</sup>, staff held a remote public hearing for the proposed stormwater amendments. A number of oral comments were provided all in support of the amendments. There was one technical comment from the New Jersey Department of Transportation (NJDOT) that will be addressed in the response and adoption notice. To date, no written comments have been submitted.
- The P&I Committee will see a recommendation regarding the addition of four new technologies to the Alternate Design Septic Systems Pilot Program at its next meeting
- Commissioner Jordan Howell resigned after the August Commission meeting. Camden County is seeking a new appointment to the Commission.

Chairman Prickett requested that staff prepare a resolution for Commissioner Howell's service on the Commission.

Commissioner Avery commended staff for three consecutive years with no findings in the Audit. He added that the FY 2020 Audit should be complete this fall.

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

- Commission staff has been notified by both telephone and letter about the use of herbicide in certain road rights-of-way. Staff will be writing to Pinelands municipalities and counties to remind them that the use of herbicides is not permitted. The Commission has an existing Memorandum of Agreement (MOA) with New Jersey Transit and the NJDOT that permits the application and use of herbicide for public safety.
- The Commission received its first streamlining permit application for the Haines Boulevard Redevelopment Area in Waterford Township. An application to the Commission is not required; however, staff reviews approvals granted by the municipality. This alternate permitting program was approved many years ago through an ordinance certified by the Commission.

- A formal application has not been completed for a proposed one million square foot warehouse in Manchester Township but threatened and endangered (T&E) species information has been submitted to address potential plant and animal issues.
- The Commission received a call to alert staff that two timber rattlesnakes had been found at project site in Burlington County where staff previously asked the applicant to address T&E species.

Ms. Roth said the State's new cannabis rules were adopted in late August. She said the Act provided for a special adoption similar to an emergency adoption. She said the rules went into effect when they were filed with the Office of Administrative Law (OAL), will remain in effect for one year and will be adopted through the normal Administrative Procedures Act (APA) process. She said the rules are complicated. A summary of the rules can be found on the Cannabis Regulatory Commission (CRC) website. She said there remains a question of whether cultivation is considered an agricultural use.

Chairman Prickett asked if the rules specify where cultivation of cannabis can take place.

Ms. Roth said the rules permit both indoor and outdoor cultivation. The rules provide great detail on security rather than the method of cultivation.

Director Horner provided information on the Comprehensive Management Plan's (CMP) standards for what constitutes agriculture, what is exempt from review and what agriculture activity requires an application to the Commission

Commissioner Lohbauer asked who will determine if the growing of cannabis is considered agriculture for the Pinelands Commission and whether the Commission should expect that CMP amendments are necessary to address the CRC's rules.

Ms. Roth said if the Commission has concerns about the scope of a cannabis operation or if the operation is agriculture, the Commission may need to adopt amendments to the CMP. She said the State Agriculture Development Committee (SADC) did not make a determination on the issue prior to the CRC's rule adoption. She said the scope of the operations is the main concern. She said municipalities were required to submit ordinances opting in or out. She said questions and concerns remain about placing cannabis operations in specific management areas that permit agriculture.

Acting Executive Director Grogan said staff had reservations about the CRC rules prior to their adoption and remain concerned about how they should be applied in the Pinelands Area. The Commission received a variety of ordinances from Pinelands municipalities, many of which prohibited all cannabis uses. She said it is more than likely that the Commission will have to adopt amendments to the CMP to address the CRC rules. She said staff is researching the best approach, with an emergency rule adoption being an option. She said the topic will be listed on the agenda at an upcoming P&I committee meeting. She added that staff will coordinate with SADC and the Department of Agriculture and may



invite them to speak to the P&I Committee, as they have had concerns about scale and type of facilities on preserved farms.

Commissioner Avery asked for an estimation of how many Pinelands towns are permitting cannabis.

Acting Executive Director Grogan said about 10 or 12 towns have chosen to permit cannabis facilities but the majority of Pinelands towns have opted out entirely. She noted that staff met with a town that originally decided to opt out but changed its decisions based on the released rules. She said towns that originally opted out can change their determination. She said it's the municipalities who have opted in that cannot change their decision for five years.

Paul Leakan, the Commission's Communications Officer, said his office recently launched a comprehensive review of every page, link, and document on the Commission's website. They are searching for any inoperable links and documents and other information that need to be updated. He also provided an update on the status of the agency's social media sites and noted upcoming educational events, including the Pinelands-themed World Water Monitoring Challenge and in-class education programs being led by Joel Mott. Lastly, he noted that the Commission's staff prepared and issued the Pinelands Development Credit Bank's 2021 Annual Report in late August.

Acting Executive Director Grogan said the Bank's legislation requires that an annual report be completed by August 28<sup>th</sup> of each year. She said the report includes a lot of data, especially the past year due to the high number of transactions the bank processed. She said the report is frequently used by appraisers.

#### Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of two public development applications from the New Jersey Department of Environmental Protection (NJDEP). The first application is for a geothermal well at the Batsto Visitor's Center. The second application is for the reconstruction of a beach facility at Lake Absegami.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1985-0160.013 & 1990-0868.035) (See Resolution # PC4-21-21). Commissioner Higginbotham seconded the motion.

Commissioner Lohbauer said he hopes that more people will consider using geothermal wells in an effort to avoid the use of fossil fuels.

Commissioner Lloyd said if there is a way to increase opportunities for more geothermal wells, the Commission should explore it.

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

Chairman Prickett presented a resolution recommending approval of a pedestrian path, paving project and installation of a sidewalk in Egg Harbor City.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development (Application Number 2015-0087.003) (See Resolution # PC4-21-22). Commissioner Jannarone seconded the motion.

Director Horner said, as noted in the report, there has been an ongoing violation on the property since 1995 and it's unclear if NJ Transit or Egg Harbor City was responsible for the violation. He said the sidewalk and paved parking area is owned by NJ Transit and the right-of-way is owned by Egg Harbor City. Egg Harbor City received a grant to construct the pedestrian path and was eager to proceed with the application. He said the approach that is outlined in the public development report is the best outcome to resolve the longstanding violation. He said that, as part of this application, Egg Harbor City is addressing half of the stormwater volume and the remaining stormwater volume will be covered as part of either the City's or NJ Transit's next application.

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

Chairman Prickett introduced the next resolution. He said the applicant is proposing to use herbicide to control invasive species in the vicinity of the Bass River fire tower.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development (Application Number 1990-0868.033) (See Resolution # PC4-21-23). Commissioner Higginbotham seconded the motion.

Director Horner said that an amended public development report was provided to Commissioners. He said the NJDEP has amended its application to limit the use of herbicide to the following for Japanese Stiltgrass: pre-emergent and post-emergent herbicide applied a maximum of three times. Foliar herbicide will be applied a maximum of three times to Japanese Barberry.

Commissioner Lloyd asked if the application complies with the CMP's wetlands standards, T&E species standards and water quality standards.

Director Horner said a T&E survey was conducted as part of the original application to clear the 16-acres. Should Broom Crowberry be detected by the Forest Service, measures are in place to protect the population. He said there is nothing in the rules that prohibit the use of herbicides in wetlands or uplands as part of a forestry operation. He said water quality is difficult because forestry is the only type of activity in the Pinelands where herbicides are authorized.

Commissioner Lloyd said the information was helpful, however he would like to see the permit period decrease from 10 years to three years.

Commissioner Higginbotham agreed with limiting the timeframe to keep an eye on the progress.

Commissioner Lohbauer said he appreciated the efforts of the applicant and staff to answer the concerns raised by Commissioners. He said he is not satisfied that it complies with the water quality standards of the CMP because he feels that it is likely the development could degrade water quality. He added that the application does not comply with CMP forestry standards, specifically N.J.A.C 7:50-6.41(-)(3). He said at the August Commission meeting he mentioned that Asian Water Buffaloes eat invasive plant species and should be considered as an alternative to herbicide. He said the NJDEP did not explore this non-chemical means. He said he will be voting no on this application.

Commissioner Irick said he visited the site prior to and after the tree clearing and he is not happy with the results. He said it looks like the Forest Service cleared a wetland. He thinks the NJ Forest Service should offer to do some replanting. He added that a 10-year permit is too long of a time frame to monitor the results of the herbicide.

Commissioner Jannarone said she is uncomfortable with the 10-year permit. She said she would like to see a two- or three-year permit. She suggested revising the resolution, and she did recognize that the Forest Service needs to address the invasive plant species at the site.

Director Horner said staff has been administering the CMP's forestry standards in a consistent manner for decades and the NJDEP application is no different. He said he understands that the word "practical" is subjective as it applies to consideration of alternatives. He said the NJDEP application is consistent with how the rule has been administered in the past. He said the CMP should probably be amended to address herbicide use in a more comprehensive manner. He said he expects that the NJDEP would be amenable to adjusting the permit time frame. He closed by asking the Commissioners to take past practice regarding the review of forestry applications into consideration as deliberations continue.

Ms. Roth said the Commission is legally obligated to follow past practice of administering its regulations. Deviating from the usual course can result in litigation.

Chairman Prickett said he doesn't think it is fair to tie the NJDEP's hands, as they manage our forests. He said any homeowner can purchase herbicide and spray it on their property, and farmers are actively spraying their fields with large amounts of pesticides. He said the Commission needs to work with the NJDEP and look at forest management to determine if forests have typical Pinelands characteristics.

Commissioner Irick suggested tabling the application until Director Horner can speak with the NJDEP about shortening the permit period.

Director Horner said the application is consistent with the CMP. He said if the Commission feels strongly about the duration of the permit, he recommends changing it from 10 years to five years.

Acting Executive Director Grogan said the length of the permit (10 years) comes directly from the CMP. She suggested the Commission consider keeping the permit at 10 years with

a requirement for annual reports from DEP so the Commission will be able to monitor the progress.

Commissioner Lloyd said the Commission needs to interpret its rules based on the record provided with the intent of protecting the Pinelands. He said he would support the recommendation by Acting Executive Director Grogan. He added that he is not sure the application has enough votes to pass and that he would like to see more on how the application meets the water quality standards.

Commissioner Lohbauer said he still feels that the application does not meet CMP standards and he will be voting no.

Ms. Roth asked Director Horner if he had spoken to the NJDEP about holding the application another month.

Director Horner said he has had lengthy discussions with the NJDEP about the herbicide application and any further delay will not be productive.

Ms. Roth advised that the matter will go to the Office of Administrative Law (OAL) if the Commission fails to act or disagrees with the Executive Director's recommendation of an application.

Director Horner clarified that the NJDEP did not say no to holding the application but had reluctance to limit its herbicide application.

DAG Miles provided information about the OAL process

Commissioner Lohbauer reiterated why he does not support the application.

Commissioner Lloyd said he cannot vote yes on this application.

Commissioner Avery said he thinks the Commission should act on the application today, and the application will not get the eight votes it needs. He said from what he understands, the applicant is only proposing three applications of herbicide. He said then the NJDEP can proceed with an appeal or any other process available to them.

Acting Executive Director Grogan called the roll:

Commissioner Avery: yes

Commissioner Higginbotham: yes

Commissioner Irick: abstain because he has visited the site multiple times and there is no revegetation on the site following the clear cutting.

Commissioner Jannarone: yes, with hesitation.

Commissioner Lloyd: no

Commissioner Lohbauer: no

Commissioner Pikolycky: yes

Chairman Prickett: yes

Acting Executive Director Grogan said the motion does not carry, as there were only five votes in favor of the application.

Chairman Prickett presented the next resolution, a Waiver of Strict Compliance.

Commissioner Lloyd made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1999-0082.001) (See Resolution # PC4-21-24). Commissioner Jannarone seconded the motion.

Director Horner said this is the fourth waiver on this property, as the previous waivers have expired. The applicant is proposing a single-family dwelling on an approximately 40-acre parcel in Jackson Township.

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

There were no items listed on the agenda for the public to comment on this month.

Ordinances Not Requiring Commission Action

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

- Barnegat Township Ordinance 2021-12
- Buena Vista Township Ordinance 101-2021
- Egg Harbor Township Ordinances 28-2021 and 31-2021
- Lakehurst Borough Ordinances 2021-04, 2021-06 and 2021-08
- Monroe Township Ordinance O:08-2021
- Monroe Township Planning Board Resolution 25-2021 and Ordinance O:12-2021
- Mullica Township Ordinance 9-2021
- Southampton Township Ordinance 2021-09
- Woodbine Borough Ordinance 596-2021

No questions were raised.

Other Resolutions

Chairman Prickett presented a resolution to adopt the Fiscal Year 2022 Budgets.

Commissioner Avery made a motion To Adopt the Pinelands Commission's Fiscal Year 2022 Budgets for the Operating Fund, Katie Trust Fund and the Pinelands Conservation Fund (See Resolution # PC4-21-25). Commissioner Higginbotham seconded the motion.

Jessica Lynch, the Commission's Business Manager, said the FY 22 Budgets consist of three separate budgets. She said the Operating Budget has increased 1% this fiscal year

from the last three years. She said the state appropriation has increased by \$150,000. The state supplemental fund has not increased although it would be helpful if the Commission's could secure an increase, because health benefits costs continue to rise and are expensive. She said that, based on forecasting, the expected application fees for this fiscal year have been budgeted at \$500,000, a 32% increase from last year's budgeted amount. She said the Katie Fund budget includes funds for the possible installation of a rain garden on the Commission property. She said the Pinelands Conservation Fund will support both existing and new initiatives. Lastly, staffing levels and salaries were reviewed.

Acting Executive Director Grogan presented a list of the many initiatives and special projects staff are working on. She provided a brief overview of what each office will focus on this fiscal year. She said staff will be preparing an application to the BPU for a no-cost energy audit and have allocated \$20,000 in the budget for implementation of recommendations should the Commission be chosen for the audit. There is also money in the budget for an electric vehicle charging station and the Commission will also be seeking grant funds to assist with the cost. (See attached presentation slides for additional details.)

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

#### Presentation

Gina Berg, a Commission Resource Planner, presented the Permanent Land Protection (PLP) data from July 1, 2020 through June 30, 2021. She said a total of 1,529 acres were protected through multiple programs in the Pinelands Area. She mentioned the notable projects and said 51% of the land in the Pinelands has been permanently preserved. She said the vast majority of that permanently preserved land is located in the conservation-oriented management areas. (See attached presentation slides for additional details.)

There was a brief discussion about the Section 502 target areas and the appropriated funds. Acting Executive Director Grogan said it will be beneficial to gain the support of the state legislature representative in Washington to assist with appropriation of the remaining funds. The Commission might also need to reevaluate the boundaries of the previously identified 502 target areas and consider establishment of new target areas.

#### General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance (PPA) said she enjoyed the PLP presentation. She commended the Commissioners who voted for "what they thought was right" on the NJDEP herbicide application. She said the NJDEP has issued fines to New Jersey Natural Gas for both water and land violations stemming from the construction of the Southern Reliability Link (SRL) pipeline. She said she hopes the Commission learned something from the damage cause by the SRL pipeline and continues to pursue rule amendments for horizontal directional drilling.

Bill Zipse of the New Jersey Forest Service suggested that the Commission and the NJDEP meet to further discuss the herbicide application. He described the deployment of herbicides, including monitoring the response of a particular application.

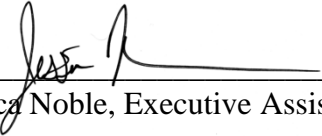
Jason Howell of the Pinelands Preservation Alliance (PPA) said herbicide is applied frequently in the Pinelands, especially in lakes where homeowner associations and some towns are trying to decrease aquatic vegetation. He said the County has applied herbicide along Route 679 and Route 563.

Commissioner Irick suggested presenting former Commissioner Howell with a plaque.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 12:25 p.m.

Certified as true and correct:

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

Date: September 20, 2021



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-21

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0160.013 & 1990-0868.035)

Commissioner Lohbauer moves and Commissioner Higginbotham seconds the motion that:

**WHEREAS**, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Acting Executive Director that the following applications for Public Development be approved with conditions:

**1985-0160.013**

**Applicant:** New Jersey Department of Environmental Protection  
**Municipality:** Washington Township  
**Management Area:** Pinelands Preservation Area District  
**Date of Report:** August 18, 2021  
**Proposed Development:** Installation of a 10,800 square foot geothermal well field for the heating and cooling of the Batsto Visitors Center; and

**1990-0868.035**

**Applicant:** NJDEP Natural & Historic Resources  
**Municipality:** Bass River Township  
**Management Area:** Pinelands Preservation Area District  
**Date of Report:** August 18, 2021  
**Proposed Development:** Demolition and reconstruction of the Lake Absegami beach recreational facility .

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for any of these applications; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for each of the proposed developments; and

**WHEREAS**, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Acting Executive Director are imposed; and

**WHEREAS**, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1985-0160.013 & 1990-0868.035 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone	X				Quinn			X	
Christy			X		Lloyd	X				Rohan Green			X	
Higginbotham	X				Lohbauer	X				Prickett	X			
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Susan R. Grogan  
Acting Executive Director

Date: September 10, 2021

Richard Prickett  
Chairman





# State of New Jersey

THE PINELANDS COMMISSION

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General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

August 18, 2021

Edwin Mulvan, Administrator (via email)  
New Jersey Department of Environmental Protection  
501 E. State Street, Mail Code 501-04A  
PO Box 420  
Trenton, NJ 08625

Re: Application # 1985-0160.013  
(DPMC Project No. P1214-00)  
Block 8, Lot 1  
Washington Township

Dear Mr. Mulvan:

The Commission staff has completed its review of this application for installation of a 10,800 square foot geothermal well field for the heating and cooling of the Batsto Visitors Center. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Washington Township Planning Board (via email)  
Washington Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)

Edwin Hedger (via email)  
Sarah Maurer (via email)  
John Ryder (via email)



State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 18, 2021

Edwin Mulvan (via email)  
New Jersey Department of Environmental Protection  
501 E. State Street, Mail Code 501-04A  
PO Box 420  
Trenton, NJ 08625

Application No.: 1985-0160.013  
(DPMC Project No. P1214-00)  
Block 8, Lot 1  
Washington Township

This application proposes the installation of a 10,800 square foot geothermal well field at the Batsto Visitors Center located on the above referenced 1,962.4 acre parcel in Washington Township. The Batsto Visitors Center is located in Wharton State Forest. The proposed “closed loop” geothermal system will replace an existing “open loop” geothermal well system to heat and cool the Batsto Visitors Center using geothermal energy.

The application proposes a “closed loop” geothermal system. The system consists of 27 wells installed to a depth of 300 feet and associated supply and return lines connected to the Batsto Visitors Center. The system will be filled with 7,000 gallons of 20% propylene glycol and 80% water. That water mixture circulates through the closed loop system to a depth of 300 feet where the average liquid temperature is 55 degrees Fahrenheit. There will be no discharge from the proposed “closed loop” system.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### **Land Use (N.J.A.C. 7:50-5.22(b)8)**

The proposed development is located in the Preservation Area District. Wharton State Forest pre-existed the 1981 effective date of the Comprehensive Management Plan. As an accessory use to the Batsto Visitors Center, the proposed geothermal well field is permitted in the Preservation Area District.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the parcel. The proposed development will be located greater than 300 feet from wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing maintained lawn area comprised of non-native grasses. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Based upon the existing site conditions, the location of proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was prepared for the project. It was determined that no significant cultural resources are located within the area proposed for development.

The proposed development will be located in the Batsto Historic District. The Batsto Historic District is listed on both the New Jersey Register and the National Registers of Historic Places. Based upon its listing, the Batsto Historic District is a Pinelands designated resource according to the provisions of the CMP (N.J.A.C. 7:50-6.154(a)).

The CMP (N.J.A.C. 7:50-6.156(a)2) provides that no application for development which involves a resource listed on the New Jersey Register or the National Registers of Historic Places shall be approved without first obtaining a certificate of appropriateness unless a cultural resource survey prepared for the application accomplishes the recording of the resource. For this application, the cultural resource survey accomplishes the recording of the absence of significant resources within the area proposed for development. No Certificate of Appropriateness is required for the proposed development.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced project area was completed on June 25, 2021. Newspaper public notice was completed on June 29, 2021. The application was designated as complete on the Commission's website on June 29, 2021. The Commission's public comment period closed on August 13, 2021. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of six sheets, prepared by Van-Note Harvey Associates, Inc., and dated as follows:

Sheet 1- dated March 22, 2021, revised June 2, 2021

Sheets 2-6- dated May 4, 2021, revised June 3, 2021

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### **CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



# State of New Jersey

THE PINELANDS COMMISSION

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Governor

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RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

August 18, 2021

Edward Mulvan (via email)  
NJDEP Natural & Historic Resources  
275 Freehold-Englishtown Road  
Englishtown, NJ 07726

Re: Application # 1990-0868.035  
Block 85, Lot 1  
Bass River Township

Dear Mr. Mulvan:

The Commission staff has completed its review of this application for demolition and reconstruction of the Lake Absegami beach recreational facility. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Bass River Township Planning Board (via email)  
Bass River Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
Burlington County Health Department (via email)  
Paul Ercolano (via email)







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 Lt. Governor

General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT  
 Chairman  
 SUSAN R. GROGAN  
 Acting Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

August 18, 2021

Edward Mulvan (via email)  
 NJDEP Natural & Historic Resources  
 275 Freehold-Englishtown Road  
 Englishtown, NJ 07726

Application No.: 1990-0868.035  
 Block 85, Lot 1  
 Bass River Township

This application proposes demolition and reconstruction of the Lake Absegami beach recreational facility located in Bass River State Forest on the above referenced 800 acre parcel in Bass River Township.

The recreational facility was built in 1957. The demolition of any structure 50 years old or older requires application to the Commission.

The existing recreational facility is located on a beach area adjacent to Lake Absegami. The existing 8,065 square foot recreational facility consists of two sections containing bathroom/changing facilities, storage rooms, security and life guard offices and a concession stand.

This application proposes a 6,568 square foot recreational facility consisting of two sections containing two bathroom/changing facilities, storage rooms, security and lifeguard offices and a concession stand. The application also proposes a new replacement 5,855 square foot patio and a hexagonal lifeguard station/structure. The proposed development will be located in the same area on the parcel as the existing development.

**STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

**Land Use (N.J.A.C. 7:50-5.22)**

The proposed development is located in the Preservation Area District. The Lake Absegami beach recreation facility pre-existed the 1981 effective date of the Comprehensive Management Plan. Its replacement with a smaller recreational facility is a permitted use in the Preservation Area District.

Wetlands Standards (N.J.A.C. 7:50-6.6)

Lake Absegami, which constitutes a wetland, is located within 300 feet of the existing and proposed development. The existing development maintains a 199 foot buffer to Lake Absegami. The proposed development will be located no closer to Lake Absegami than the existing facility proposed for demolition.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located in the same area as the existing development on the parcel. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

Water Quality Standard (N.J.A.C. 7:50-6.84(a)4ii)

The proposed facility will utilize an existing on-site septic system. The proposed development is replacing an existing recreational facility. The applicant has demonstrated that the proposed development on the 800 acre parcel will be consistent with the groundwater quality (septic dilution) standard of the CMP.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The proposed development will result in a decrease of impervious surfaces by 20 square feet. There will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with the CMP stormwater management standard.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was prepared for the project. The survey determined that there were no significant cultural resources within the project area.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on August 4, 2021. The application was designated as complete on the Commission's website on August 2, 2021. The Commission's public comment period closed on August 13, 2021. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by LAN Associates and all sheets dated April 9, 2021.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including clearing and land disturbance, shall be located at least 199 feet from wetlands.

### CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 22

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 2015-0087.003)

Commissioner Avery moves and Commissioner Jannarone seconds the motion that:

**WHEREAS**, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Acting Executive Director that the following application for Public Development be approved with conditions:

**2015-0087.003**

<b>Applicant:</b>	<b>Egg Harbor City</b>
Municipality:	Egg Harbor City
Management Area:	Pinelands Town
Date of Report:	August 19, 2021
Proposed Development:	Construction of 1,600 linear feet of a ten foot wide pedestrian path, paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of sidewalk

**WHEREAS**, the paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of variable width sidewalk located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way occurred without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, the applicant proposes to address this violation by including the concerned development in this Pinelands development application; and

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for this application; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for the proposed development; and

**WHEREAS**, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Acting Executive Director are imposed; and

**WHEREAS**, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Number 2015-0087.003 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

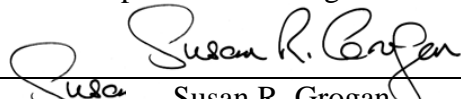
### Record of Commission Votes


	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone	X				Quinn			X	
Christy			X		Lloyd	X				Rohan Green			X	
Higginbotham	X				Lohbauer	X				Prickett	X			
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 10, 2021

  
 \_\_\_\_\_  
 Susan R. Grogan  
 Acting Executive Director

  
 \_\_\_\_\_  
 Richard Prickett  
 Chairman



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RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

August 19, 2021

Lisa Jampetti, Mayor (via email)  
Egg Harbor City  
500 London Avenue  
Egg Harbor, NJ 08215

Re: Application # 2015-0087.003  
Atlantic Avenue right-of-way  
Block 957, Lot 1  
Egg Harbor City

Dear Mayor Jampetti:

The Commission staff has completed its review of this application for the construction of 1,600 linear feet of a ten foot wide pedestrian path within the Atlantic Avenue right-of-way from Saint Louis Avenue to New Orleans Avenue.

**This application also proposes the paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of variable width sidewalk located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way between Route 50 and Chicago Avenue. The parking lot paving and sidewalk development occurred in approximately 1995 without the completion of an application with the Commission. Block 957, Lot 1 is owned by New Jersey Transit. There is a NJ Transit train station located on Block 957, Lot 1. The Atlantic Avenue right-of-way is owned by Egg Harbor City. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.**

Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Egg Harbor City Planning Board (via email)  
Egg Harbor City Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Ryan A. McGowan, PE, PP, CME (via email)  
Anna Kropiewnicki (via email)



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 Governor  
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 Lt. Governor

General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT  
 Chairman  
 SUSAN R. GROGAN  
 Acting Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

August 19, 2021

Lisa Jampetti, Mayor (via email)  
 Egg Harbor City  
 500 London Avenue  
 Egg Harbor, NJ 08215

Application No.: 2015-0087.003  
 Atlantic Avenue right-of-way  
 Block 957, Lot 1  
 Egg Harbor City

This application proposes the construction 1,600 linear feet of a ten foot wide pedestrian path within the Atlantic Avenue right-of-way from Saint Louis Avenue to New Orleans Avenue.

This application also proposes the paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of variable width sidewalk located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way between Route 50 and Chicago Avenue. The parking lot paving and sidewalk development occurred in approximately 1995 without the completion of an application with the Commission. Block 957, Lot 1 is owned by New Jersey Transit. There is a NJ Transit train station located on Block 957, Lot 1. The Atlantic Avenue right-of-way is owned by Egg Harbor City. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

**STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27)

The proposed development is located in the Pinelands Town of Egg Harbor City. The proposed development is a permitted land use in a Pinelands Town Management Area.

Wetlands (N.J.A.C. 7:50-6.13)

There are wetlands located within 300 feet of the proposed pedestrian path. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.



Approximately 124 linear feet of the proposed 1,600 linear feet of pedestrian path will be located in wetlands and approximately 1,351 linear feet will be located in the required buffer to wetlands. The proposed development will result in the disturbance of approximately 1,239 square feet (0.03 acres) of wetlands.

The CMP permits the installation of linear improvements (pedestrian paths) in wetlands and the required buffer to wetlands provided certain conditions are met.

The pedestrian path will allow for safe travel of pedestrians from the surrounding residential neighborhood to the NJ Transit train station located on Block 957, Lot 1, public bus stops and surrounding residences and businesses. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in, or that will result in a less significant adverse impact to, the wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The applicant has demonstrated that the need for the proposed pedestrian path overrides the importance of protecting the wetlands.

No portion of the proposed paving of the existing 16,830 square foot stone parking lot or the 1,124 linear feet of variable width sidewalk from Route 50 to Chicago Avenue located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way is located in wetlands or the required buffer to wetlands.

#### Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within maintained grass and disturbed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to use grass species that meet this recommendation.

#### Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed 1,600 linear feet of pedestrian path is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the applicant proposes to construct a storm water infiltration system located below the pedestrian path.

The proposed storm water infiltration system located below the pedestrian path will also retain approximately fifty percent of the volume of stormwater runoff generated by the stone parking lot that was paved and the 1,124 linear feet of sidewalk that was installed in the Atlantic Avenue right-of-way in approximately 1995 without application to the Commission. A condition is included in this report that requires any future application on Block 957, Lot 1 in Egg Harbor City or within the Atlantic Avenue right-of-way in Egg Harbor City to address the balance of the required stormwater management in a future application to the Commission.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of Block 957, Lot 1 was completed on July 19, 2021. Newspaper public notice was completed on July 22, 2021. The application was designated as complete on the Commission's website on August 3, 2021. The Commission's public comment period closed on August 13, 2021. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the following plans
  - The site plan, consisting of 12 sheets, prepared by Remington and Vernick Engineers and dated as follows:
    - Sheets 1, 5, 6, 9 & 10 - dated March 3, 2020 and revised to July 5, 2021
    - Sheets 2-4, 7, 8, 11 and 12 - dated March 3, 2020 and revised to October 29, 2020
  - The permit plan prepared by Remington and Vernick Engineers and dated July 5, 2021.
  - The wetlands plan prepared by Remington and Vernick Engineers and dated October 15, 2020.
2. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. Prior to completion of any future development application on Block 957, Lot 1 in Egg Harbor City or within the Atlantic Avenue right-of-way in Egg Harbor City, the application shall address the remaining volume of stormwater runoff generated by the paving of the stone parking lot and the 1,124 linear feet of sidewalk that was installed in the Atlantic Avenue right-of-way.

**CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



State of New Jersey  
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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-23

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1990-0868.033)

Commissioner Avery moves and Commissioner Higginbotham seconds the motion that:

**WHEREAS**, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Acting Executive Director that the following application for Public Development be approved with conditions:

**1990-0868.033**

<b>Applicant:</b>	<b>NJDEP</b>
Municipality:	Bass River Township
Management Area:	Pinelands Village Pinelands Preservation Area District Pinelands Rural Development Area
Date of Report:	June 17, 2021
Proposed Development:	Spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower.

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for this application; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for the proposed development; and

**WHEREAS**, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Acting Executive Director are imposed; and

**WHEREAS**, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1990-0868.033 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone	X				Quinn			X	
Christy			X		Lloyd		X			Rohan Green			X	
Higginbotham	X				Lohbauer		X			Prickett	X			
Irick				A	Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 10, 2021

**MOTION FAILED**

Susan R. Grogan  
Acting Executive Director

Richard Prickett  
Chairman



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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

September 9, 2021

John Sacco, State Forester (via email)  
New Jersey Department of Environmental Protection, Division of Parks and Forestry  
501 East State St.  
PO Box 420  
Trenton, NJ 08625

Re: Application # 1990-0868.033  
Block 48, Lots 1 & 2  
Block 49, Lot 12  
Bass River Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower. Enclosed is a copy of an Amended Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Bass River Township Planning Board (via email)  
Bass River Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)

Todd Wyckoff (via email)

William Zipse, Supervising Forester (via email)

Samantha Hensen, Assistant Regional Forester (via email)

Courtney Compton, Assistant Regional Forester (via email)



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PHILIP D. MURPHY  
 Governor  
 SHEILA Y. OLIVER  
 Lt. Governor

General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT  
 Chairman  
 SUSAN R. GROGAN  
 Acting Executive Director

**AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT**

September 9, 2021

John Sacco, State Forester (via email)  
 New Jersey Department of Environmental Protection, Division of Parks and Forestry  
 501 East State St.  
 PO Box 420  
 Trenton, NJ 08625

Application No.: 1990-0868.033  
 Block 48, Lots 1 & 2  
 Block 49, Lot 12  
 Bass River Township

This application proposes spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower on the above referenced 435.3 acre parcel in Bass River Township. The purpose of the proposed herbiciding is to facilitate natural re-vegetation of historic tree plantations, including native and previous plantation trees.

On April 12, 2019, the Commission approved the clearing of 16.4 acres of trees to restore visibility in all directions from the existing Bass River State Forest fire observation tower (App. No. 1990-0868.031).

The applicant has identified two invasive plant species, Japanese stiltgrass and Japanese barberry, within portions of the 16.4 acre cleared area. This application proposes spot treatment of herbicide to facilitate re-vegetation of the historic tree plantations by suppressing these invasive plant species. A pre-emergent and post-emergent herbicide application and a foliar or stem/bark herbicide application will occur using a utility terrain vehicle, backpack sprayers or handheld sprayers. **The herbicide treatments are proposed until the invasive plant species have been eliminated and tree seedlings become established. Each of the three separate herbicide treatments is proposed to occur a maximum of three times.**

**STANDARDS**

The Commission staff has reviewed the proposed application of herbicide for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:



### Land Use (N.J.A.C. 7:50-5.22(b))

The 435.3 acre parcel is located partially in the Pinelands Preservation Area District (405.2 acres), partially in a Pinelands Rural Development Area (18.8 acres) and partially in a Pinelands Village (11.3 acres).

The 16.4 acres proposed for spot treatment of herbicide are located in the Pinelands Preservation Area District portion of the parcel. The existing Bass River State Forest fire observation tower is also located in the Pinelands Preservation Area District. The proposed spot application of herbicide is permitted in the Pinelands Preservation Area District as a silvicultural practice for site preparation.

### Forestry (N.J.A.C. 7:50-6.41)

The CMP permits herbicide treatment as a silvicultural practice for site preparation provided the following five conditions are met:

1. Condition One: The proposed treatment is identified in an application submitted to the Pinelands Commission. The submitted Pinelands application identifies the proposed herbicide treatment.
2. Condition Two: Control of competitive plant species is clearly necessary. The applicant represents that Japanese stiltgrass is a fast growing invasive annual grass species and Japanese barberry is an invasive shrub species and that both species inhibit natural plant community structure and germination.
3. Condition Three: Control of competitive plant species by other non-chemical means is not practical. The applicant represents that non-chemical means are not practical considering the amount of Japanese stiltgrass on the 16.4 acres and mowing is not a viable means of controlling Japanese barberry because it will severely damage the natural regeneration of tree seedlings and can lead to re-sprouting and significant spread of the concerned competitive plant species.
4. Condition Four: All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements. The applicant represents that all herbicides will adhere to the label, as pesticide labels constitute legal documents that include rates of application, time of year for deployment, in certain instances, and proper weather and site conditions for application.
5. Condition Five: In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment. The proposed herbicide treatments will not occur in a Pine-Shrub Oak Native Forest Type.

The applicant has demonstrated that the five conditions to permit the use of herbicide for silvicultural site preparation will be met.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed herbiciding. The Commission staff reviewed the proposed herbiciding to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

The T&E animal species of concern are Barred owl, Northern pine snake and Timber rattlesnake. Based upon the existing cleared habitat and available contiguous State owned lands, the proposed spot treatment of herbicide is designed to avoid an irreversible adverse impact on habitat that is critical to the survival of any local populations of T&E animal species.

As part of Commission approval of the application (App. No. 1990-0868.031) for the clearing of 16.4 acres of trees to restore visibility in all directions from the existing Bass River State Forest fire observation tower, the applicant was required to conduct a visual survey in the area proposed for tree clearing to avoid potential irreversible adverse impact to any local population of Broom crowberry, a CMP designated T&E plant species. The applicant conducted the visual survey and concluded that Broom crowberry was not present in the area proposed for tree clearing. Prior to the proposed spot treatment of herbicide, the applicant proposes to conduct another visual survey for Broom crowberry. If Broom crowberry is identified, the applicant proposes to buffer any such area from the spot application of herbicide and to temporarily place a tarp over the plant(s) during spraying. The proposed spot treatment of herbicide is designed to avoid irreversible adverse impacts on the survival of any local populations of T&E plant species.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on April 10, 2021. Newspaper public notice was completed on April 9, 2021. The application was designated as complete on the Commission's website on June 1, 2021. The Commission's public comment period closed on June 11, 2021. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. The proposed activities shall adhere to the "Proposal For Silvicultural Activity On State Forest And Park Lands, New Jersey Forestry Services, dated February 2, 2021.
2. Prior to any herbiciding, the applicant shall obtain any other necessary permits and approvals.
3. **Between September 10, 2021 and September 10, 2031, each of the three separate herbicide treatments shall not occur more than three times.**
4. In accordance with the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.45), this approval authorizing herbiciding in association with a silvicultural operation shall expire in 10 years on September 10, 2031.
5. To avoid irreversible adverse impacts on any local population of Broom Crowberry that may be present, NJDEP shall conduct a visual survey of the 16.4 acres for Broom

crowberry prior to any spot treatment of herbicide. If the visual survey identifies Broom Crowberry, the applicant shall install a temporary protective barrier around any identified plant(s) and a temporary plastic covering during spot application of herbicide to avoid irreversible adverse impacts on the survival of any local population of Broom Crowberry.

### **CONCLUSION**

As the proposed herbiciding conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed herbiciding subject to the above conditions.



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RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 6, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-24

**TITLE:** **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 1999-0082.001)

**Commissioner Lloyd moves and Commissioner Jannarone seconds the motion that:**

**WHEREAS**, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Acting Executive Director that the following application for Waiver of Strict Compliance be approved with conditions:

**1999-0082.001**

**Applicant:** **Robert Boehm**  
**Municipality:** Jackson Township  
**Management Area:** Pinelands Rural Development Area  
**Date of Report:** August 17, 2021  
**Proposed Development:** Single family dwelling.

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for this application; and

**WHEREAS**, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Acting Executive Director for the requested Waiver of Strict Compliance; and

**WHEREAS**, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Acting Executive Director are imposed; and

**WHEREAS**, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1999-0082.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone	X				Quinn			X	
Christy			X		Lloyd	X				Rohan Green			X	
Higginbotham	X				Lohbauer	X				Prickett	X			
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Susan R. Grogan  
Acting Executive Director

Date: September 10, 2021

Richard Prickett  
Chairman



## State of New Jersey

THE PINELANDS COMMISSION

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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman

SUSAN R. GROGAN  
Acting Executive Director

### **REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

August 17, 2021

Robert Boehm (via email)  
10 Cape Court  
Howell, NJ 07731

Re: Application # 1999-0082.001  
Block 16601, Lot 9  
Jackson Township

Dear Mr. Boehm:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

#### **FINDINGS OF FACT**

This application is for the development of one single family dwelling serviced by an individual on-site septic wastewater system on the above referenced 45.4 acre parcel in Jackson Township. The parcel is located in a Pinelands Rural Development Management Area and in Jackson Township's RD zoning district. In this zoning district, Jackson Township's certified land use ordinance establishes a minimum lot size of 3.8 acres to develop a single family dwelling.

A Waiver of Strict Compliance for the development of a single family dwelling on the parcel was previously approved pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.63) on February 10, 2000, September 9, 2005 and on July 11, 2014. The CMP (N.J.A.C. 7:50-4.70(c)) provides that any Waiver approved based upon N.J.A.C. 7:50-4.63 shall expire five years after the Waiver is approved by the Commission unless all necessary construction permits have been issued and other CMP specified requirements are met. Based on the submitted information, all three Waivers previously approved by the Commission have expired.

A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)). The wetland continues onto adjacent lands. Any development of the parcel would be located within 300 feet of wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirements contained in N.J.A.C. 7:50-6.14.

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 80 feet of wetlands.

The appropriate resource capability maps and other information available to the Commission staff have been reviewed.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on groundwater quality be minimized.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on January 28, 2021. Newspaper public notice was completed on February 28, 2021. The application was designated as complete on the Commission's website on July 22, 2021. The Commission's public comment period closed on August 13, 2021. No public comments regarding this application were submitted to the Pinelands Commission.

### **CONCLUSION**

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, it must be demonstrated that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an application to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards of the CMP (N.J.A.C. 7:50-5.26(a) and (c)). The application proposes to develop a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 45.4 acre parcel meets the residential density and lot area standards established in this portion of the Pinelands Rural Development Area in Jackson Township's certified land use ordinances. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)lvii.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Jackson Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the RD zoning district, Jackson Township's certified land use ordinance establishes a minimum lot size of 3.8 acres to develop a single family dwelling. This application proposes to develop a single family dwelling on a 45.4 acre parcel. No municipal lot area or density variances are required to develop the proposed single family dwelling. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria listed in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (N.J.A.C. 7:50-4.65(b)) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the application meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), it has been demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the application is obtaining a Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to acquire and redeem the requisite 0.25 PDCs.



To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by East Coast Engineering, Inc., dated October 21, 1999 and last revised March 10, 2000.
2. The septic system shall be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface and in the area shown on the above referenced plan.
3. Appropriate measures shall be taken prior to construction to preclude sedimentation from entering wetlands.
4. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
5. The driveway shall be constructed of crushed stone or other permeable material.
6. The septic system shall be located at least 200 feet from all wetlands. All other development, including clearing and land disturbance, shall be located at least 80 feet from all wetlands. No development, including clearing and land disturbance, shall occur except as shown on the above referenced plan.
7. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
8. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
9. This Waiver shall expire September 10, 2026 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after September 10, 2026, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
10. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, a copy of an amended recorded deed for the parcel containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall further specify that it supersedes the prior recorded deed(s) for the parcel containing the conditions of the previously approved Waivers of Strict Compliance. The deed shall state that the conditions are enforceable by the Pinelands Commission, Jackson Township, the Ocean County Health Department, and any other party of interest.

With the above conditions, the application qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14.

Since the application meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission APPROVE the requested Waiver of Strict Compliance subject to the above conditions.

### APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 3, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by:




---

Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Jackson Township Planning Board (via email)  
 Jackson Township Construction Code Official (via email)  
 Jackson Township Environmental Commission (via email)  
 Secretary, Ocean County Planning Board (via email)  
 Ocean County Health Department (via email)



# **RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-21- 25**

**TITLE:** To Adopt the Pinelands Commission's Fiscal Year 2022 Budgets for the Operating Fund, Katie Trust Fund and the Pinelands Conservation Fund

**Commissioner Avery moves and Commissioner Higginbotham seconds the motion that:**

**WHEREAS**, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with the continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the State of New Jersey has appropriated \$3,249,000 to support the Commission's operations during Fiscal Year 2022; and

**WHEREAS**, the Department of the Treasury has informed the Commission that \$687,000 (36%) of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2022; and

**WHEREAS**, the Commission anticipates that additional funding sources of \$1,325,070 will be available to further support the Commission's operations; and

**WHEREAS**, in support of Commission Resolution PC4-20-37, which called for the examination of the Commission's facilities and identification of changes to mitigate greenhouse gas emissions to the greatest extent feasible, the Operating Budget includes a total of \$60,000 in funding for energy efficiency improvements at the Commission's offices and the installation of an electric vehicle charging station; and

**WHEREAS**, in order to accomplish these and other important initiatives and to continue to carry out the Commission's regulatory responsibilities, the FY 2022 Operating Budget anticipates a \$705,132 draw from the Commission's unreserved, undesignated fund balance; and

**WHEREAS**, the Operating Budget for FY 2022 totals \$5,966,202; and

**WHEREAS**, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

**WHEREAS**, the Katie Trust Fund Budget for FY 2022 anticipates expenditures of \$20,000, which will be drawn from the Fund Balance and used for redesign of the existing Katie Garden and installation of one or more rain gardens on the Commission's property; and

**WHEREAS**, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005 and last revised in August 2014; and

**WHEREAS**, the FY 2022 budget for the Land Acquisition program totals \$30,600; and

**WHEREAS**, the FY 2022 budget for the Conservation Planning and Research program totals \$695,027; and

**WHEREAS**, the FY 2022 budget for the Community Planning and Design program totals \$175,655; and

**WHEREAS**, the FY 2022 budget for the Education and Outreach program totals \$142,350; and

**WHEREAS**, the total FY 2022 budget for the Pinelands Conservation Fund is \$1,043,632; and

**WHEREAS**, the Commission’s Personnel & Budget Committee has reviewed the FY 2022 budgets for the Operating Fund, Katie Trust Fund and Pinelands Conservation Fund and has recommended their adoption by the Commission; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission hereby adopts the attached Fiscal Year 2022 Budgets for the Operating Fund totaling \$5,966,202, the Katie Trust Fund totaling \$20,000 and the Pinelands Conservation Fund totaling \$1,043,632.

**BE IT FURTHER RESOLVED** that the Executive Director is hereby authorized to submit an application to the New Jersey Board of Public Utilities for a Local Government Energy Audit of the Commission’s offices, the results of which shall be used to identify energy efficiency measures that may be implemented and fund in accordance with the Commission’s adopted FY2022 budgets.

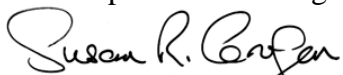
**Record of Commission Votes**


AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*				
Avery	X			Jannarone	X			Quinn			X	
Christy			X	Lloyd	X			Rohan Green			X	
Higginbotham	X			Lohbauer	X			Prickett	X			
Irick	X			Pikolycky	X							

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 10, 2021

  
 \_\_\_\_\_  
 Susan R. Grogan  
 Acting Executive Director

  
 \_\_\_\_\_  
 Richard Prickett  
 Chairman

# Pinelands Commission Fiscal Year 2022 Budgets



September 10, 2021

# BUDGETS

- Operating Fund - \$5,966,202
- Katie Trust Fund - \$20,000
- Pinelands Conservation Fund - \$1,043,632

# Operating Fund Revenue

	FY19 Unaudited	FY20 Unaudited	FY21 Unaudited	FY22 Anticipated
State Appropriation	\$2,799,000	\$2,949,000	\$3,099,000	\$3,249,000
State Supplemental Funding	\$687,000	\$687,000	\$687,000	\$687,000
Application Fees	\$430,000	\$690,000	\$380,000	\$500,000
Grants/Special Purpose	\$1,191,241	\$483,000	\$585,000	\$478,140
Other	\$35,200	\$54,040	\$5,000	\$5,000
Fund Balance/Reserves	\$772,633	\$1,052,034*	\$1,159,074*	\$907,202*
<b>TOTAL</b>	<b>\$5,915,074</b>	<b>\$5,915,074</b>	<b>\$5,915,074</b>	<b>\$5,966,202</b>

\* Includes:

- \$705,132 from the Undesignated Fund Balance
- \$142,070 Reserves – Computer, Facilities & Microfilm
- \$60,000 PCF Administrative Assessment

# Operating Fund Expenditures

	<b>FY19 Unaudited</b>	<b>FY20 Unaudited</b>	<b>FY21 Unaudited</b>	<b>FY22 Anticipated</b>
Salary and Wages	\$3,031,731	\$3,094,758	\$3,050,972	\$3,021,984
Fringe Benefits	\$1,808,212	\$1,822,822	\$1,904,593	\$1,910,905
Supplies	\$105,459	\$103,033	\$128,784	\$131,712
Professional Services	\$630,582	\$541,333	\$485,652	\$462,728
Other Services	\$224,512	\$221,008	\$216,315	\$259,623
Maintenance and Rent	\$82,050	\$81,520	\$83,620	\$132,620
Improvements and Acquisitions	\$32,528	\$50,600	\$45,138	\$46,630
Total Expenditures	\$5,915,074	\$5,915,074	\$5,915,074	\$5,966,202



# Katie Fund Expenditures

	<b>FY19 Unaudited</b>	<b>FY20 Unaudited</b>	<b>FY21 Unaudited</b>	<b>FY22 Anticipated</b>
Rain Garden Supplies and Installation	\$4,000	\$4,000	\$4,000	\$20,000
Professional Services	\$10,000	\$10,000	\$10,000	
Acquisitions – Furniture	\$1,000	\$1,000	\$1,000	
Total Expenditures	\$15,000	\$15,000	\$15,000	
Fund Balance	\$15,000	\$15,000	\$15,000	\$20,000

# Pinelands Conservation Fund Expenditures

	FY19 Unaudited	FY20 Unaudited	FY21 Unaudited	FY22 Anticipated
<b>Land Acquisition</b>				
•Personnel	\$ 7,550	\$ 8,625	\$ 24,696	\$ 30,600
•Professional Services	0	0	0	0
•Land Acquisition	276,457	0	0	0
•Other Expenditures	0	0	0	<u>0</u>
<b>Total</b>	<b>\$284,007</b>	<b>\$8,625</b>	<b>\$24,696</b>	<b>\$30,600</b>
<b>Conservation Planning /Research</b>				
•Personnel	\$237,070	\$310,699	\$341,549	\$556,632
•Professional Services	70,000	0	90,868	88,199
•Other Expenditures	<u>27,540</u>	<u>41,027</u>	<u>48,035</u>	<u>50,196</u>
<b>Total</b>	<b>\$334,610</b>	<b>\$351,726</b>	<b>\$480,452</b>	<b>\$695,027</b>
<b>Community Planning /Design</b>				
•Personnel	\$93,620	\$127,500	\$189,630	\$154,530
•Professional Services	0	0	0	0
•Aid to Municipalities	0	0	0	0
•Other Expenditures	<u>21,489</u>	<u>22,104</u>	<u>21,518</u>	<u>21,125</u>
<b>Total</b>	<b>\$115,109</b>	<b>\$149,604</b>	<b>\$211,148</b>	<b>\$175,655</b>
<b>Education and Outreach</b>				
•Personnel	\$67,950	\$82,500	\$88,200	\$114,750
•Other Expenditures	<u>61,721</u>	<u>25,800</u>	<u>26,120</u>	<u>27,600</u>
<b>Total</b>	<b>\$129,671</b>	<b>\$108,300</b>	<b>\$114,320</b>	<b>\$142,350</b>
<b>Total PCF Expenditures</b>	<b>\$863,397</b>	<b>\$618,255</b>	<b>\$830,616</b>	<b>\$1,043,632</b>

# Staffing Levels

	Authorized	FY2019	FY2020	FY2021	FY2022
Executive	7.5	6	7	5	5
Planning	12	8	8	6	8
MIS & GIS	6	6	5	5	6
Regulatory Programs	20.5	11	11	10	12
Science	9	5	5	5	5
Business Services	9	5	6	6	6
Public Programs	2	2	2	2	2
Total	66	43	44	39	44*

\* FY2022 staffing level: 44 full time – includes 6 back fill positions.

# Salary and Wages Expenditures

Current Staff (44 FTEs; 22 unfunded FTEs)

44 Full time employees	\$3,580,796
Estimated Overtime	<u>1,000</u>
	<u>\$3,581,796</u>

Operating Fund Budget \$3,021,984

Pinelands Conservation Fund Budget

Land Acquisition	20,000
Conservation Planning & Research	363,812
Community Planning & Design	101,000
Education & Outreach	<u>75,000</u>
	<u>\$3,581,796</u>

# FY2022 Initiatives

Offices	Initiative	Budget
<b>Planning</b>	Rules: <ul style="list-style-type: none"> <li>• Stormwater adoption/implementation</li> <li>• Electric Transmission Line ROW Pilot Program</li> <li>• Utility distribution line exemptions &amp; HDD</li> <li>• Solar energy facilities</li> <li>• “Gap” rule process</li> <li>• Kirkwood Cohansey/water supply</li> <li>• FA/RDA clustering</li> <li>• Cannabis facilities</li> </ul>	Operating PCF Operating PCF Operating PCF PCF Operating
	<ul style="list-style-type: none"> <li>• Landfill Assessments</li> <li>• Alternate Septic System Pilot Program</li> <li>• PDC Bank Administration</li> <li>• PDC Supply &amp; Demand</li> <li>• PLP Database and Mapping</li> <li>• Brotherton Survey</li> <li>• Historic cemetery GPR surveys</li> <li>• Pine Barrens Byway</li> </ul>	PCF/Escrows PCF/Escrows PCF PCF Operating/NPS Operating/NPS Operating/NPS Operating/NPS


# FY2022 Initiatives

Offices	Initiative	Budget
Regulatory Programs	On line application submission and review: fees, digital plans, new software/hardware	Operating
	NJDEP Coordination Issues <ul style="list-style-type: none"> <li>• Forestry</li> <li>• CAFRA</li> </ul>	Operating
	T&E Data Sharing Agreement with NJDEP, ENSP	Operating
Science	Long-term snake population monitoring	EPA Grant
	Fire impacts on reptiles	PCF
Business Services	Covid office management	Operating
	Fenwick Manor painting (with Cultural Resources support)	Operating
	FY21 Audit	Operating
Communications	Rain Garden Implementation	Katie Fund
	Pinelands Webinars & Outreach Programs	Operating/PCF
MIS	Large Format Scanner (site plans, zoning maps)	Operating
	Technology for remote/hybrid meetings	Operating



- BPU “No Cost” Energy Audit: application and implementation of recommendations
- Electric Vehicle Charging Station: grants and installation
- Facility-related energy efficiency measures and products





# Permanent Land Protection

**Annual Update on 2021**



# Newly Protected Land in the Pinelands Area

## July 2020 - June 2021

All Programs FY2021	Acres Protected
Pinelands Programs	<i>111</i>
PDC Severance	<i>559</i>
State Acquisition (Green Acres)	<i>420</i>
County Farmland Preservation	<i>244</i>
County Open Space	<i>160</i>
Non-Profit Acquisition	<i>35</i>
<b>Total Acres</b>	<b><i>1,529</i></b>



*The 44-acre Daniels property in Ocean Township, protected in 2019 through the PCF acquisition program*

*Photo by NJPC*

# Notable Projects for FY21

- PDC Severance in Bass River Township
  - 480 acres
  - 16.75 PDCs
- Atlantic County acquisition for GSP Exit 44
  - 16 acres added to total preserved in project area
- Bear Swamp Additions

# Acres Protected Through Pinelands Commission Programs July 2020 – June 2021



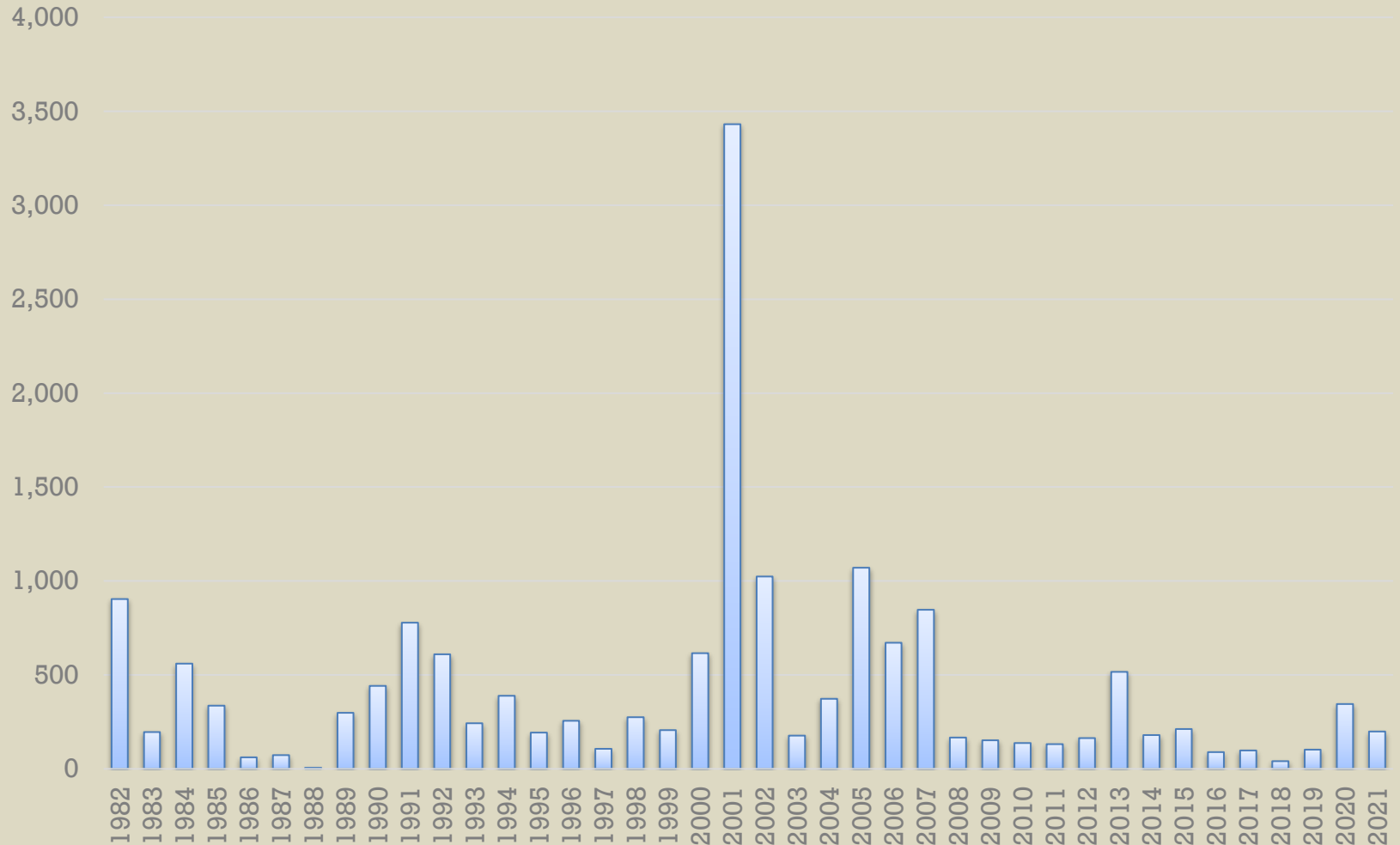
- Clustering – 30 acres
- Density Transfer – 17 acres
- Residential density & Septic dilution - 2 acres
- Threatened & Endangered Species – 46 acres
- Garden State Parkway Exit 44 – 16 acres

**Total Acres: 111**

*The 457-acre Thompson-Wright property in Southampton and Woodland townships, protected in 2019 through the PCF acquisition program*

*Photo by NJPC*

# PDC Allocations by Fiscal Year

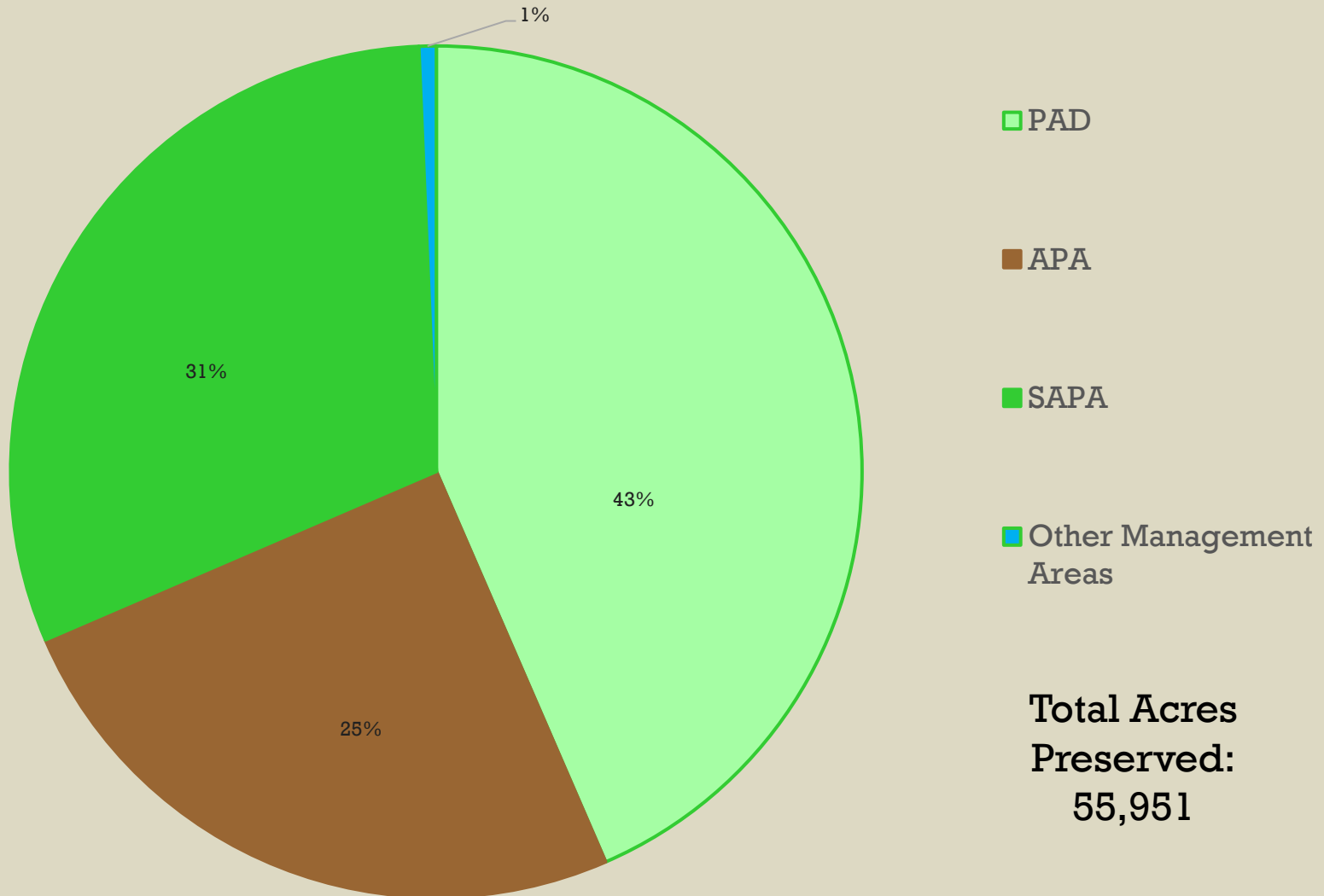


# **PDC Program**

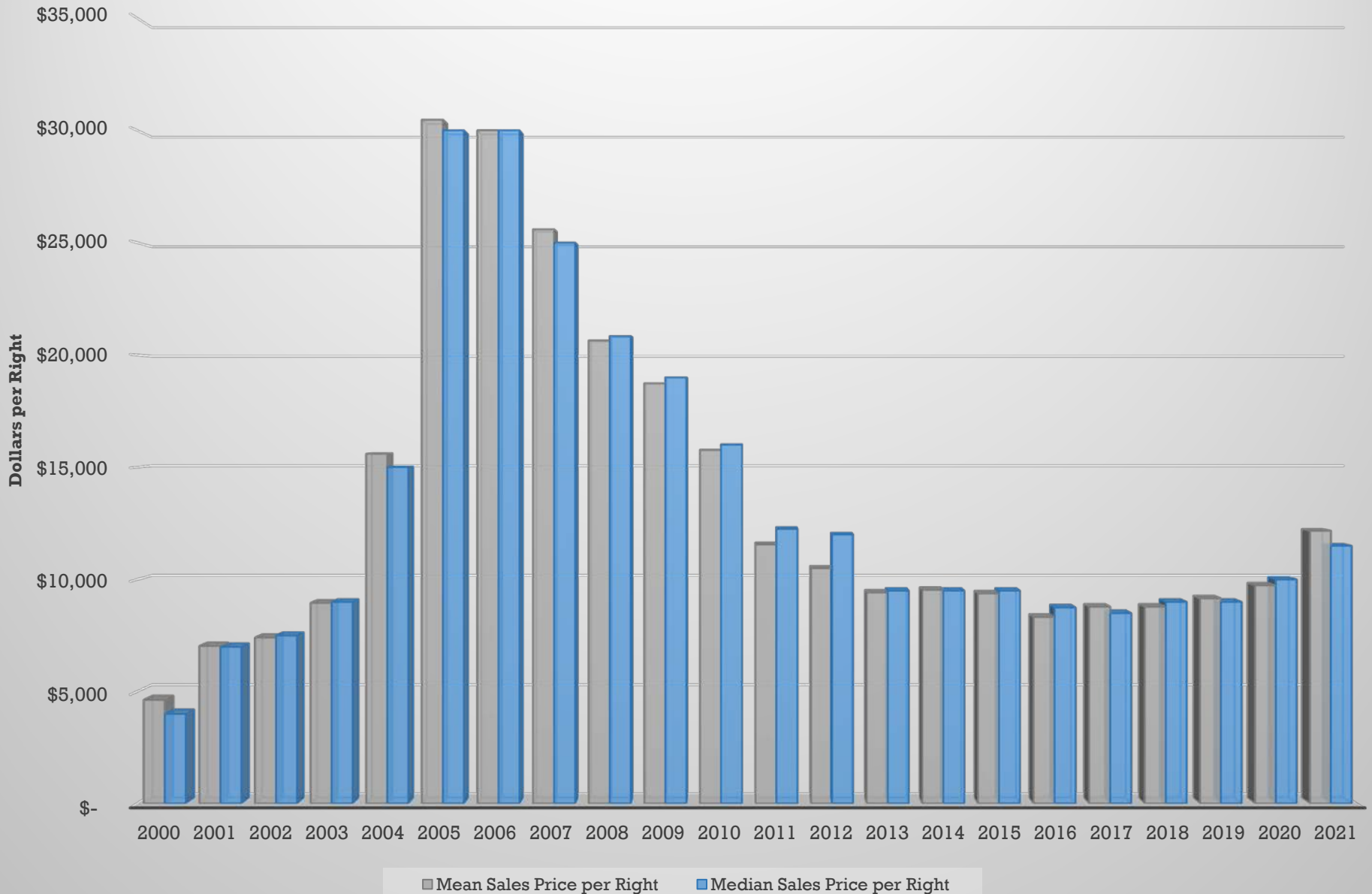
## **Lands Preserved Through FY21**

<b>Management Area</b>	<b>Acres Preserved</b>
Preservation Area District	24,333
Special Agricultural Production Area	17,243
Agricultural Production Area	14,007
Other Management Areas	368
<b>Total</b>	<b>55951</b>

# PDC Program Lands Preserved Through FY21



# Mean & Median Private PDC Sales Prices per Right



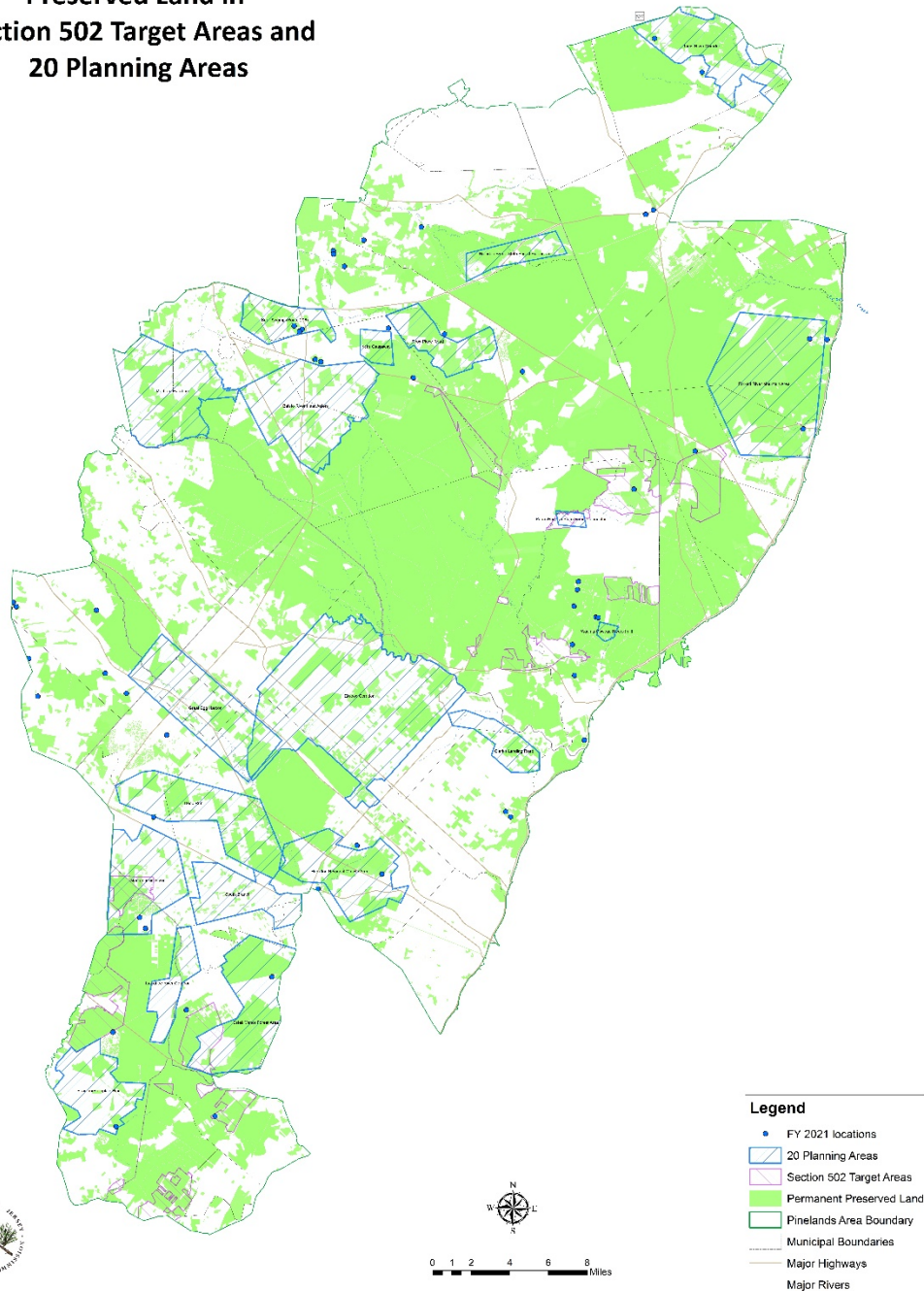
# Green Acres Program

## FY21 Pinelands Area Acquisition

Municipality	Management Area	Acres Acquired
Bass River Township	PAD/FA	180
Estell Manor City	FA	148
Hamilton Township	RDA	10
Maurice River Township	FA/Village	31
Monroe Township	FA	16
Pemberton Township	APA	19
Southampton Township	APA/RDA/RGA	226
Upper Township	FA	10
Woodland Township	PAD	15
<b>Total</b>		<b>655</b>



**Preserved Land in  
Section 502 Target Areas and  
20 Planning Areas**



- 30% of total acreage in 20 Planning Areas is preserved

- 65% of total acreage in Section 502 Target Areas is preserved

## Preserved Acreage Added in Targeted Acquisition Areas

Target Area Location	Preservation Mode			Total Acres
	Open Space	PDCs	Pinelands Application Condition	
<b>20 Planning Area Adds</b>	280.9		36.7	317.6
<b>Section 502 Adds</b>	2.50	472.27		474.77
<b>Grand Total</b>	283.41	472.27	36.72	792.60

# Permanent Land Protection in the Pinelands Area

## June 2021

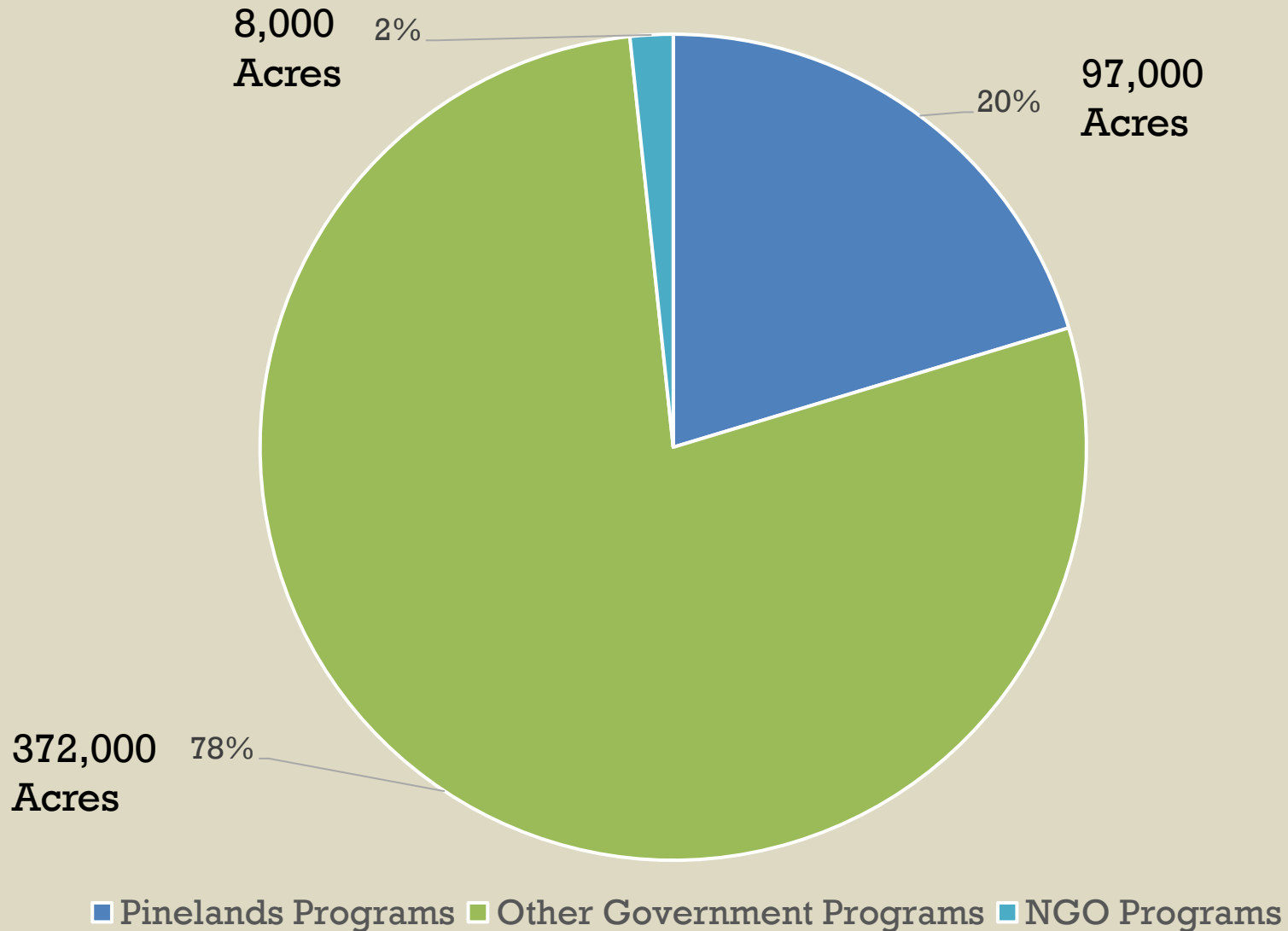
- 480,500 acres protected
- 51% of the Pinelands Area
- 94% of the protected land is in conservation-oriented management areas (PAD, SAPA, FA, APA)



*The 200-acre Katz property in Pemberton Township, protected through PDC severance in 2006 and the PCF acquisition program in 2019*

*Photo by NJPC*

# Permanent Land Protection Programs in the Pinelands Area through June 2021

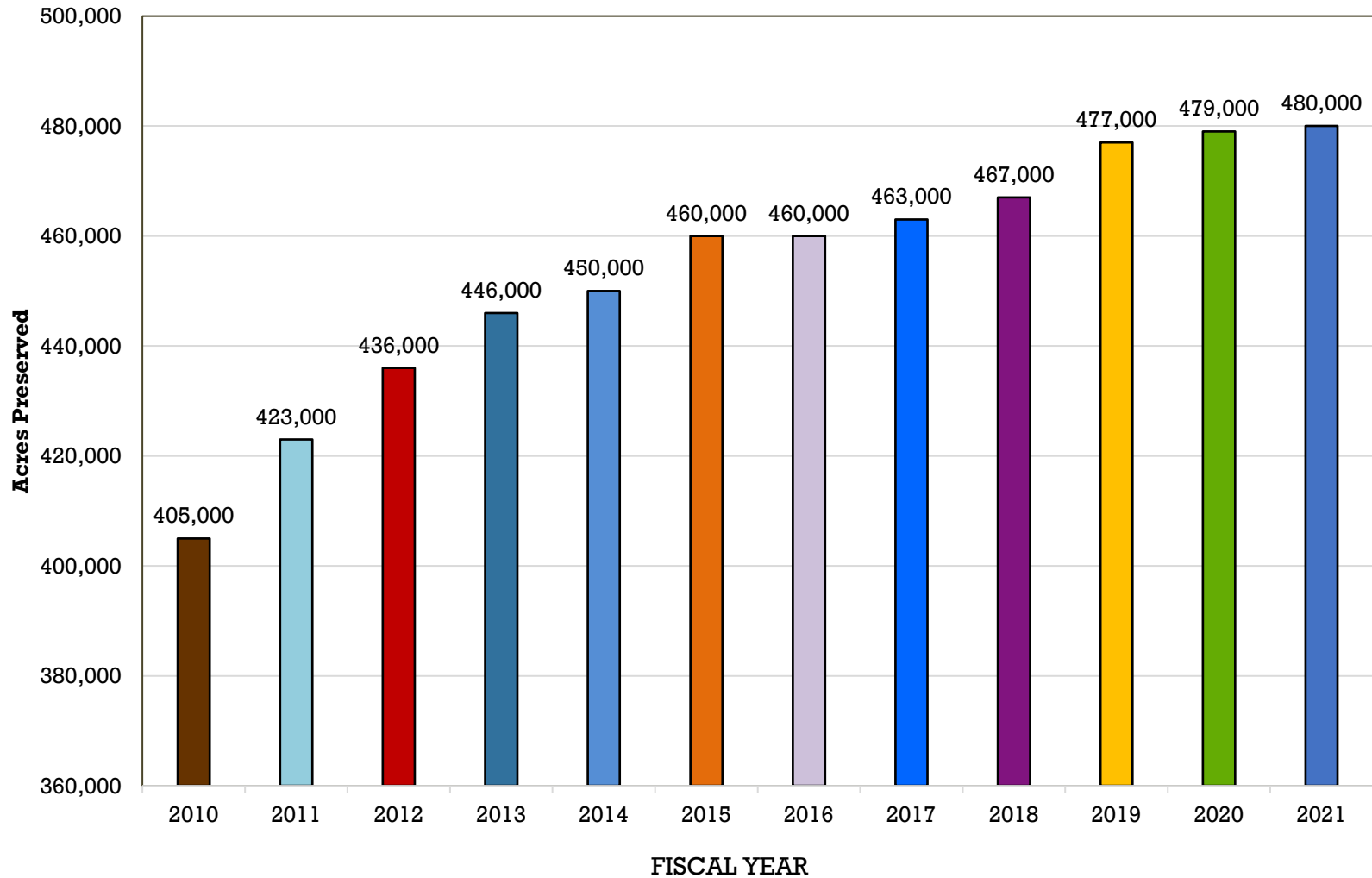


# Protected Lands by Management Area

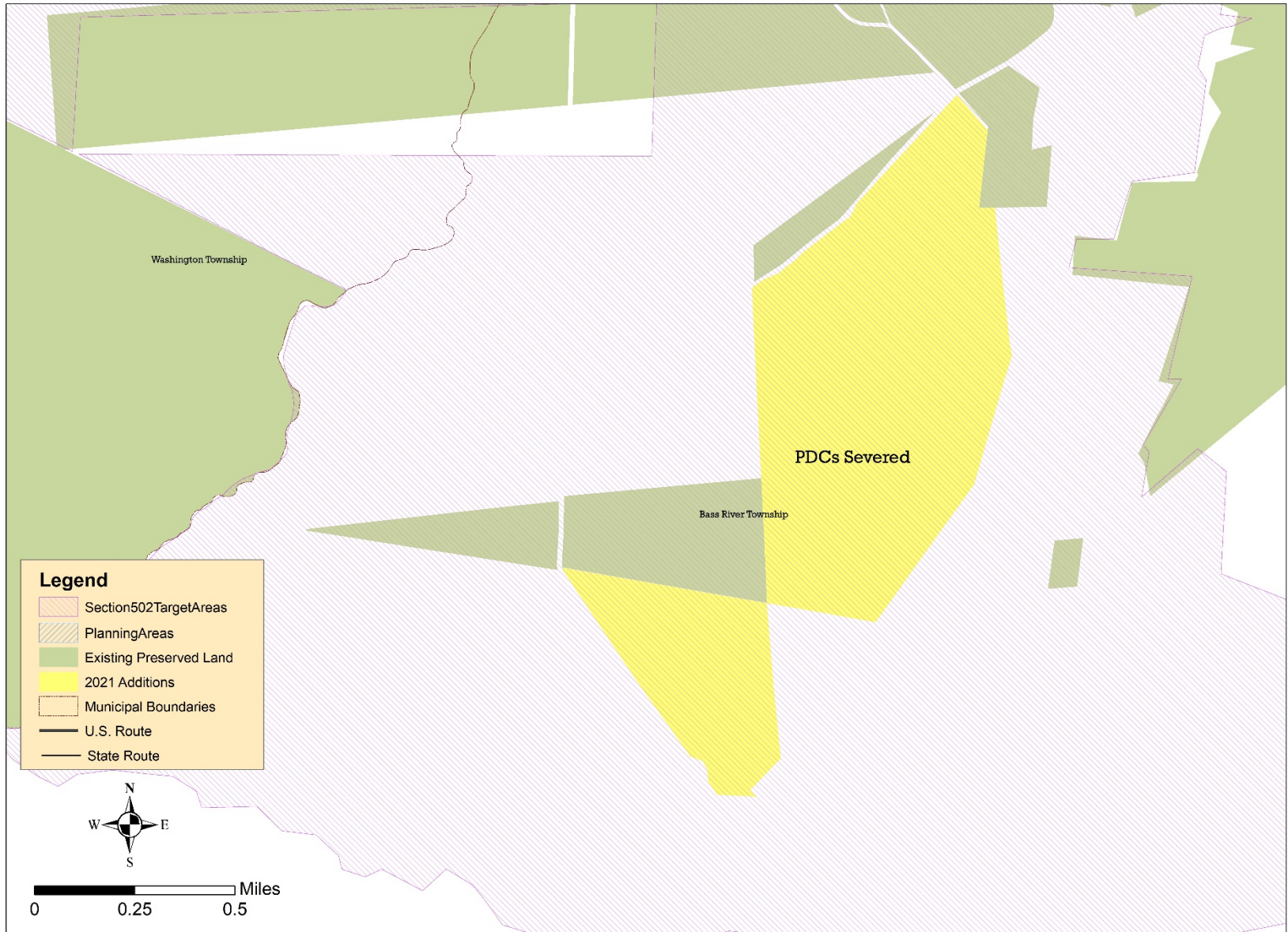
## June 2021

Management Area	Total Acres	% Protected
PAD	295,000	82.5%
SAPA*	37,500	61%
FA	257,000	57%
APA	68,500	41%
RDA*	109,500	21%
RGA	76,500	8%
Village	26,000	7%
Town*	21,500	9%
Military/Federal	47,000	1%
Pinelands Area Total	938,000	51%

# Permanent Land Protection in the Pinelands Area through June 2021



**Questions?**











State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## MEMORANDUM

To: Susan R. Grogan, Acting Executive Director  
From: Richard Prickett, Chairman  
Date: September 29, 2021  
Subject: October Commission meeting agenda item

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Please place on the October Commission agenda, following Committee Chair and Staff Reports, the following item: Update on the status of the Executive Director search process, including announcement of a new Search Committee and potential action by the Commission relating to application deadlines.

After reviewing and addressing the Governor's concerns listed in his September 3, 2021 veto letter (see attached), the Chairman intends to form a new Executive Director Search Committee using the authority found in the Commission's by-laws. Commissioners, if in disagreement with the Chairman's intentions, may express their disapproval through their comments at the meeting.

Please include in the packet this request and the list of documents below that I believe will satisfy those mentioned in the Governor's veto letter.

I am recommending that the Search Committee meet in October to review any material the Governor's Authorities Unit would like the Committee to consider, develop criteria to select resumes, develop standardized interview questions, develop an interview schedule for mid-November into December and discuss the process of referring candidates to the Commission. The Governor's Authorities Unit's representative will receive the same packets as Search Committee members and be invited to observe the meetings.

### Attachments:

September 3, 2021 - Governor's Veto Letter  
August 24, 2021 - Personnel & Budget Committee Minutes  
August 2021 - Summary of Executive Director Job Announcement Postings  
August 2021 - (revised) New Jersey Pinelands Commission Seeks an Executive Director  
August 9, 2021 - Chairman Avery's Memo - Personnel & Budget Committee Search Recommendation  
October 15, 2010 - New Jersey Pinelands Commission Seeks an Executive Director  
August 16, 2010 - Draft Recruitment Schedule



## State of New Jersey

OFFICE OF THE GOVERNOR  
P.O. Box 001  
TRENTON, NJ 08625-0001

PHILIP D. MURPHY  
Governor

September 3, 2021

*Via: Electronic mail*

Susan Grogan, Acting Executive Director  
Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

RE: Minutes of the August 13, 2021 Meeting of the Board of Commissioners for the Pinelands Commission

Dear Acting Executive Director Grogan:

I have reviewed the Minutes of the meeting of the Board of Commissioners ("Board") for the Pinelands Commission conducted on August 13, 2021. In accordance with the authorization set forth in N.J.S.A. 13:18A-5 (h), I hereby return the Minutes with a veto of the Board's action to approve the oral motion to "...*form and appoint a search committee and to move forward with advertising the job posting for Executive Director...*"

Pursuant to procedures provided by the Authorities Unit of my office, all final agendas, with exhibits, appendices, and related material must be received at least five business days prior to a scheduled meeting. This clearly was not done as the agenda did not reference any action relating to the creation of a search committee and the commencement of advertising for the Pinelands Commission's Executive Director position. In addition, in making its decision, the Board considered materials relating to this action that were not provided to the Authorities Unit in advance of the August 13, 2021 Board Meeting. By failing to provide the Authorities Unit with proper notice of this action item and its related materials, there was no time for my office to review and properly consider this action.

Furthermore, as was expressed to the Board during the August 13, 2021 Board Meeting, I had requested that the search for the Pinelands Commission's Executive Director be done in a manner that is transparent with my office and allows my staff the opportunity to provide timely

input. I am troubled that the Board would not grant the Authorities Unit's request to have an opportunity to review the related materials and provide input regarding the search process prior to the Board voting to create a search committee and to begin advertising the job posting for the Executive Director position. I am also disappointed that after the August 13, 2021 Board Meeting, the search committee did not wait for the statutory veto period to expire prior to officially meeting. Additionally, the search committee failed to invite a representative from my office to attend the committee meeting despite this being the standard course of business at all other Pinelands Commission committee meetings. I expect that the Board will foster a more cooperative relationship with my office in order to avoid any issues going forward.

For these reasons, I return the Minutes of the meeting conducted by the Board on August 13, 2021, with my veto of the Board's approved action to form a search committee and advertise the job posting for Executive Director. No veto power is exercised as to any other action items approved by the Board.

Sincerely,



Philip D. Murphy  
Governor

- c. George Helmy, Governor's Chief of Staff  
Parimal Garg, Chief Counsel to the Governor  
Brian T. Wilton, Deputy Chief Counsel and Director of Authorities  
Richard Prickett, Pinelands Commission Board Chair

# DRAFT

## PERSONNEL & BUDGET COMMITTEE MEETING

The August 24, 2021 Personnel & Budget Committee meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://youtu.be/ZN1mauZpnhs>

### MINUTES

#### Members Present

Alan Avery (Committee Chairman), Richard Prickett, Mark Lohbauer.

#### Members Absent

Gary Quinn, Jane Jannarone, William Pikolycky, and D'Arcy Rohan Green.

#### Staff Present

Acting Executive Director (ED) Susan Grogan, Jessica Lynch, Zobeida Concepcion, Stacey Roth, and Joel Mott.

Rudy Rodas, Governor's Authorities Unit.

Commissioner Avery called the meeting to order at 9:33 a.m.

#### Adoption of Minutes from the February 23, 2021 Personnel and Budget Committee Meeting

Commissioner Lohbauer moved the adoption of the minutes of the February 23, 2021, Personnel and Budget Committee meeting. Commissioner Prickett seconded the motion.

All Commissioners present voted in favor, and the minutes were approved.

#### Financial Updates

Check Register (January 2021 to June 2021) – Business Services Manager Jessica Lynch highlighted the more noteworthy purchases/checks on the register.

Electronic Disbursements – EFT, Direct Deposit, ACH ( January 2021 to June 2021).

Application Fees – Ms. Lynch stated that the applications fees have exceeded the anticipated amount and are currently at 169% of the budgeted amount for FY2021.

#### Submission of application to BPU for a Local Government Energy Audit of the Commission's offices

Acting ED Grogan explained the Board of Public Utilities (BPU) Energy Audit process and benefits. The staff is proposing to submit an application for the Commission's offices. If

chosen for this free energy audit, BPU's consultants would generate a report with comprehensive findings and suggested recommendations for improvements to the Commission property. With Commission approval, Jessica Lynch will gather the information in order to complete and submit the application to BPU.

A motion to recommend the BPU application to the full Commission was moved by Commissioner Lohbauer. Commissioner Prickett seconded the motion. All Commissioners present voted in favor.

#### Review and discussion of the Commission's draft FY22 Budgets

Acting ED Grogan reviewed and discussed the use of money from the Katie Fund. Jessica Lynch reviewed the Operating Budget for FY2022. The budget for the Pinelands Conservation Fund was also reviewed.

A motion to recommend the draft budget to the full Commission was moved by Commissioner Lohbauer. Commissioner Prickett seconded the motion. All Commissioners present voted in favor.

#### Discussion: Executive Director Search Committee process and schedule

Commissioner Lohbauer recused himself from this discussion and was placed into the waiting room.

Chairman Avery gave an update on the Executive Director search. In June, Executive Director Nancy Wittenberg appointed Planning Director Susan R. Grogan as Acting Executive Director during her leave of absence in accordance with the Commission's Bylaws. After the passing of Executive Director Wittenberg, Chairman Prickett followed the same bylaw procedures and confirmed that Director Grogan would continue as Acting Executive Director.

At the same time, Chairman Prickett asked Commissioner Avery to research the past practices of the Commission to fulfill its statutory responsibility to hire an Executive Director. Shortly after the request, Commissioner Avery circulated to all Commissioners information on past searches the Commission had undertaken, the most recent job description that was used in the last search and the Recruitment Schedule, which also came from the last ED search. Commissioner Avery also recommended a five-member search committee be created and that it consist of four Commissioners and one public member, Terrence Moore, who was the first Executive Director of the Pinelands Commission and is intimately familiar with the requirements of that position.

At the August Commission meeting, Chairman Prickett, under the Commission's bylaws, established the search committee as recommended and the full Commission adopted a motion supporting the Chairman's actions. All these actions were consistent with past practices.

On Friday, August 20, 2021, the search committee met virtually to discuss the search process. Based on comments received from Commissioners and the discussion at the meeting, it was decided to make minor revisions to the Executive Director job description.

Minutes from this meeting were distributed to all committee members. It is the intent of the Chairman, who leads the search committee, to distribute the materials to all Commissioners and to the Governor's Authorities Unit. The next step of the search process is to advertise the position and await applications. Chairman Prickett is considering the best means to solicit written comment from staff with attributes they consider important in an Executive Director. That process will be forthcoming.

Following Commissioner Avery's update on this matter, Commissioner Lohbauer returned to the meeting.

Public Comment

There was no public comment.

Closed Session

There was no closed session.

With no further items to discuss, Commissioner Avery asked for a motion for adjournment. The motion was moved by Commissioner Lohbauer, seconded by Commissioner Prickett and unanimously approved.

The meeting was adjourned at 10:48 a.m.

Certified as true and correct:



\_\_\_\_\_  
Zobeida Concepcion, Human Resources Manager

Date 9/29/2021



Summary of Executive Director Posting

8/24/21 Posted on the Pinelands Commission website.

8/24/21 Posted on LinkedIn.

8/25/21 posted on the Civil Services open job announcements website.

8/25/21 posted on Employee bulletin boards on Commission property.

8/30/21 posted on Indeed.

The shortened announcement was published in the following newspapers:

The Philadelphia Inquirer (2 Sundays print)

The Star Ledger (1 Sunday print)

Burlington County Times (2 Sundays print)

NEW JERSEY LEAGUE OF MUNICIPALITIES (1 month)

The job announcement period closed on 9/24/21.

# State of New Jersey Pinelands Commission Seeks an Executive Director

## Summary

The State of New Jersey Pinelands Commission, an independent state agency, is seeking a creative, experienced, and successful manager for the position of Executive Director. The position offers a unique opportunity for an experienced environmental or land use professional to lead a staff of more than 40 professional and support personnel who administer the Pinelands Comprehensive Management Plan. The Commission administers this internationally recognized, ecologically based planning and regulatory program that guides conservation and development in the federally designated Pinelands National Reserve, a million acre region afforded special protection under state and federal legislation. The Executive Director serves at the pleasure of the Commission, implements Commission policies and applicable laws and regulations, directs daily staff activities, and represents Commission interests in governmental and public forums.

More information on the Pinelands Comprehensive Management Plan and other Commission programs is available at [www.nj.gov/pinelands](http://www.nj.gov/pinelands). Applications must be received electronically or postmarked by September 24, 2021.

## Primary Responsibilities of the Executive Director

- Oversee all Commission operations and manage the staff to ensure the effective delivery of services to the public and the regulated community by making use of information technologies and efficient business practices;
- Develop and implement innovative land use and zoning policies and regulations to direct future development and redevelopment efforts to appropriate parts of the Pinelands, thereby protecting important natural areas elsewhere in the region from degradation;
- Develop and implement innovative environmental policies and regulations to protect ecosystems, ground and surface water resources, wetland systems, important habitat for rare plants and animals, cultural resources, and sustainable use of the region's resources;
- Undertake strategic and tactical planning activities as directed by the Pinelands Commission;
- Forge working relationships with federal, state and local officials to ensure that Pinelands policies and regulations are appropriately implemented;
- Design and implement environmental research programs to address key environmental management issues;
- Design and implement community planning and development programs that encourage the development of livable communities;
- Manage Pinelands-wide, local planning conformance and permit review systems and make recommendations and decisions regarding the approval of local master plans and zoning ordinances and issuance of development permits;

- Develop ecological and economic monitoring and management reports to provide the Commission, public, local and State officials with information to measure the Commission's effectiveness in accomplishing its goals;
- Direct education and public information programs to better inform elected officials and appointed officials on how the Comprehensive Management Plan relates to their responsibilities;
- Direct educational and public information programs to better inform residents and visitors of the special attributes of the Pinelands and how to protect them;
- Oversee the Commission's financial management and budgeting systems to ensure fiscal solvency, adherence to appropriate financial controls and prudent management of investments;
- Supplement operating funds by identifying and securing non-traditional funding to undertake special research and planning initiatives;
- Ensure that appropriate contracting, procurement, record keeping, facilities management, insurance, human resources, ethics and legal requirements are identified and met; and
- Undertake such additional tasks as may be assigned by the Commission.

### **Qualifications**

The successful candidate will be a self-starter who has an undergraduate or advanced degree in a field related to the environment and/or land use, at least 10 years of progressively responsible experience in many of the above 12 key job responsibilities; practical experience in developing and implementing public policy; demonstrated leadership, management and organizational skills; and the ability to work without day-to-day supervision.

### **Salary and Benefits**

The successful candidate's salary will be commensurate with education, experience and accomplishments and range from \$140,000 to \$152,000. The Commission offers generous leave allowances and participates in the State's Health Benefits and Retirement Programs. Pinelands Commission employees are not in the State Civil Service System. The Executive Director is appointed by and serves at the pleasure of the Pinelands Commission.

### **Applications**

Applicants are required to submit a cover letter (not exceeding two pages in length) and a resume (not exceeding three pages in length) electronically, or postmarked no later than September 24, 2021. Applications for the position should be sent to **Pinelands Commission Search Committee, PO Box 359, New Lisbon, NJ, 08064** or emailed to [searchcommittee@pinelands.nj.gov](mailto:searchcommittee@pinelands.nj.gov). Candidates will be notified if they are selected for interviews. Please do not contact the Commission regarding the status of your application.

The Pinelands Commission is an equal opportunity employer.



State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## MEMORANDUM

To: Pinelands Commissioners

From: Alan W. Avery, Jr.  
Vice Chairman and Personnel & Budget Committee Chairman

Date: August 9, 2021

Subject: Personnel & Budget Committee Search Recommendation

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The Pinelands Protection Act requires the Executive Director be appointed by the Commission. To prepare to meet this responsibility the Chairman has requested the Personnel and Budget Committee prepare recommendations on how best to proceed. He also requested that all Commissioners be provided an opportunity for direct input on the process. That is the purpose of this memo. The Committee is scheduled to next meet on Tuesday, August 24.

There have been only four ED's. In at least two instances the Commission has utilized a search committee. I can frankly not recall if John Stokes was named Executive Director following a formal search or if the Commission acted at some point shortly after he was named as Acting Director. I believe that is the case. The first search was a national search conducted by a five person committee if I recall correctly, which I chaired, comprised of four Commission members and one non pinelands individual, Mike Catania then with the Nature Conservancy. This was at the start of the internet world so we utilized the services of an executive search firm to place newspaper ads and complete initial reviews of applicants. I don't believe that would be required now.

The second and most recent search was conducted by seven Commissioners, chaired I believe by Candy Ashmun, and including Mayor Chuck Chiarello from the Municipal Council and Michelle Byers of NJCF. I believe two of the Commissioners were Alternate Members. The Committee utilized statewide advertisements in newspapers and some internet sites to solicit applicants. Staff was supplied primarily by Mr. Stokes prior to his retirement. I was not involved but trust this is a fairly accurate summation.

Both search committees used facilities at BCC which are no longer available. If a committee is formed I suggest some public facility be utilized for meetings and interviews. This assumes we are no longer limited to the virtual world. I know for example that Jakes Branch County Park has suitable meeting facilities with internet and I am sure there are other potential sites.

As a starting point for discussion purposes, and given the limited number of current Commissioners, it might be best to consider a five member committee if that is what the Commission wishes to pursue. My initial thought would be to designate the following:

Rick Prickett, Chairman of the Pinelands and Chair of P&I

Alan Avery, Vice Chair of the Pinelands and Chair of P&B.

Mark Lohbauer, Chair of the Climate Change Committee.

Bill Pikolycky also representing the Pinelands Municipal Council

Ed Lloyd, alternate

As a public member I would recommend contacting Terry Moore to see if he would be willing to participate. Certainly no other individual available to the Commission has a better understanding of the requirements.

I have attached the Executive Director Job Description utilized in the last search. I know that the compensation level needs to be increased since I believe some staff members currently exceed the upper limit. I would encourage all Commissioners review and offer any suggestions for modifications prior to the August 24<sup>th</sup> P&B Committee meeting.

I have also attached the former Recruiting Schedule used last time as a reference illustrative of the level of effort required. It also provides the places ads were placed. I would hope to update the list to include sites like LinkedIn and possibly university career development offices at universities that might offer suitable programs, such as Rutgers. Some ads will require payment, others will be at no charge but with the internet the budget required should be modest.

Finally, the Commission could forgo the need for any search (as I believe it did with John Stokes) and appoint the current Acting Director as the permanent Executive Director.

I welcome any comments or thoughts on how the Commission should proceed to meet its statutory responsibility. Please email your comments and suggestions to Zobeida Concepcion ([Zobeida.Concepcion@pinelands.nj.gov](mailto:Zobeida.Concepcion@pinelands.nj.gov)).

## **New Jersey Pinelands Commission Seeks an Executive Director**

### Summary

The New Jersey Pinelands Commission, an independent state agency, is seeking a creative and successful manager to replace its Executive Director, who is retiring. The Executive Director's position offers a unique opportunity for an experienced environmental or land use planning professional to lead a staff of more than 45 professional and support personnel who administer the Pinelands Comprehensive Management Plan, an innovative planning and regulatory program that guides development within the Pinelands National Reserve, a million acre region afforded special protection under state and federal legislation. More information on the Pinelands Comprehensive Management Plan and other Commission programs is available at [www.state.nj.us/pinelands](http://www.state.nj.us/pinelands). Applications must be received by close of business October 15, 2010.

### Primary Responsibilities of the Executive Director

- Oversee all Commission operations and manage the staff to ensure the effective delivery of services to the public and the regulated community by making use of information technologies and efficient business practices.
- Develop and implement innovative land use and zoning policies and regulations to direct future development and redevelopment efforts to appropriate parts of the Pinelands, thereby protecting important natural areas elsewhere in the region from degradation.
- Develop and implement innovative environmental policies and regulations to protect ecosystems, ground and surface water resources, wetland systems, important habitat for rare plants and animals, cultural resources and sustainable use of the region's resources.
- Undertake strategic and tactical planning under the direction of the Pinelands Commission's board of directors.
- Forge working relationships with federal, state and local officials to ensure that Pinelands policies and regulations are appropriately implemented.
- Design and implement environmental research programs to address key environmental management issues.
- Design and implement community planning and development programs that encourage the development of livable communities.
- Manage a Pinelands-wide permit review system and make decisions and recommendations regarding the issuance of development permits.
- Direct educational and public information programs to better inform residents and visitors of the special attributes of the Pinelands and how to protect them.
- Oversee the Commission's financial management and budgeting systems to ensure fiscal solvency, adherence to appropriate financial controls and prudent management of investments.
- Supplement operating funds by identifying and securing non-traditional funding to undertake special research and planning initiatives.

- Ensure that appropriate contracting, procurement, record keeping, facility management, insurance, human resource, ethics and legal requirements are identified and met.

#### Qualifications

The successful candidate will be a self-starter who has: an undergraduate or advanced degree in a field related to the environment or planning; at least 10 years of progressively responsible experience in many of the 12 key job responsibilities; practical experience in developing and implementing public policy; and demonstrated leadership, management and organizational skills; and the ability to work without day-to-day supervision.

#### Salary and Benefits

The successful candidate's salary will be commensurate with education, experience and accomplishments and range from \$120,000 to \$150,000. The Commission offers generous leave allowances and participates in the State's Health Benefits and Retirement Programs. Pinelands Commission employees are not in the civil service system and the Executive Director is an at will employee appointed by the Pinelands Commission.

#### Applications

Applicants are required to submit a cover letter (not exceeding two pages in length) highlighting skills and work experiences related to the key job responsibilities, a resume (not exceeding three pages in length) and a salary history no later than close of business October 15, 2010. They can be sent to Pinelands Commission Search Committee, PO Box 359, New Lisbon, NJ, 08064 or emailed to [searchcommittee@njpines.state.nj.us](mailto:searchcommittee@njpines.state.nj.us). Candidates will be notified if they are selected for interviews. No phone calls please.

The Pinelands Commission is an equal opportunity employer.

**DRAFT**  
**RECRUITMENT SCHEDULE**  
**August 16, 2010**

The following schedule is very aggressive but, if followed, will avoid or minimize the need for an Acting Executive Director

August 16: Acting Chair appoints Search Committee.

August 17-20: Search Committee decides on recruitment approach, schedule and job posting.

August 23: Eight week recruitment period begins. Advertisements, etc. are distributed.

August 23-September 4: Search Committee identifies potential candidates and networking opportunities.

October 15: Application closing date.

October 18-22: Search Committee identifies top candidates. Candidates are asked to sign background and reference release form and checks are begun.

October 27-November 3: Search Committee conducts first round of interviews.

November 3: Search Committee narrows the field of candidates.

November 8-15: Second round of interviews is completed.

November 15: Search Committee selects the final candidates.

November 22: Pinelands Commission interviews final candidates at a special meeting following the Public and Government Programs Committee meeting.

November 23-29: Negotiations with the successful candidate are completed.

November 30: Pinelands Commission appoints the Executive Director at a special meeting following the Policy and Implementation Committee meeting.

December 10: If necessary, the Pinelands Commission appoints an Acting Executive Director at its regular monthly meeting.

December 14-17: Gubernatorial review period of November 30 meeting minutes ends.

December 31: John Stokes' last day.

January 3-31: New Executive Director is expected to begin.

February 1: Retirement requirements permit John Stokes to volunteer for the Commission, if requested to do so by the new Executive Director.





State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
SUSAN R. GROGAN  
Acting Executive Director

## MEMORANDUM

To: Members of the Commission

From: Charles M. Horner, P.P. *C.M.H.*  
Director of Regulatory Programs

Date: September 29, 2021

Subject: Pinelands Application # 1990-0868.033  
Block 48, Lots 1 & 2  
Block 49, Lot 12  
Bass River Township

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At its September 10, 2021 meeting, the Commission reviewed the above-referenced application submitted by the New Jersey Department of Environmental Protection (NJDEP) for spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower. The application did not receive the eight votes necessary for approval.

By e-mail dated September 28, 2021, the NJDEP requested an extension of time until October 9, 2021 for the Pinelands Commission to act on this application. The Commission's Acting Executive Director agreed to the extension of time.

The Commission staff anticipates that NJDEP will be amending and supplementing its application. Upon receipt of that additional information, Commission staff will issue a Re-amended Public Development Application Report. We further anticipate issuing the Re-amended Report not later than the close of business on Friday October 1, 2021. A copy of that Re-Amended report will be provided to the Commissioners at the same time.

Please do not hesitate to contact me with questions or comments.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-21-\_\_\_\_\_**

**TITLE:** To Accept the Fiscal Year 2019 Audit Report

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS**, the audit of the Pinelands Commission’s Fiscal Year 2019 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

**WHEREAS**, the Commission’s Audit Committee met on September 7, 2021 to review and discuss a draft of the Fiscal Year 2019 Audit Report with the State Auditors; and

**WHEREAS**, the Fiscal Year 2019 Audit Report was issued on September 16, 2021; and

**WHEREAS**, the Fiscal Year 2019 Audit Report contains no Audit Findings or Questioned Costs; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission hereby accepts the Audit Report for Fiscal Year 2019 and directs that it be included as a publication available through the Pinelands Commission’s website.

**Record of Commission Votes**

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery				Jannarone				Quinn			
Christy				Lloyd				Rohan Green			
Higginbotham				Lohbauer				Prickett			
Irick				Pikolycky							

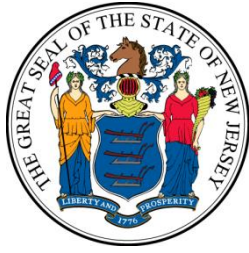
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Susan R. Grogan  
Acting Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman

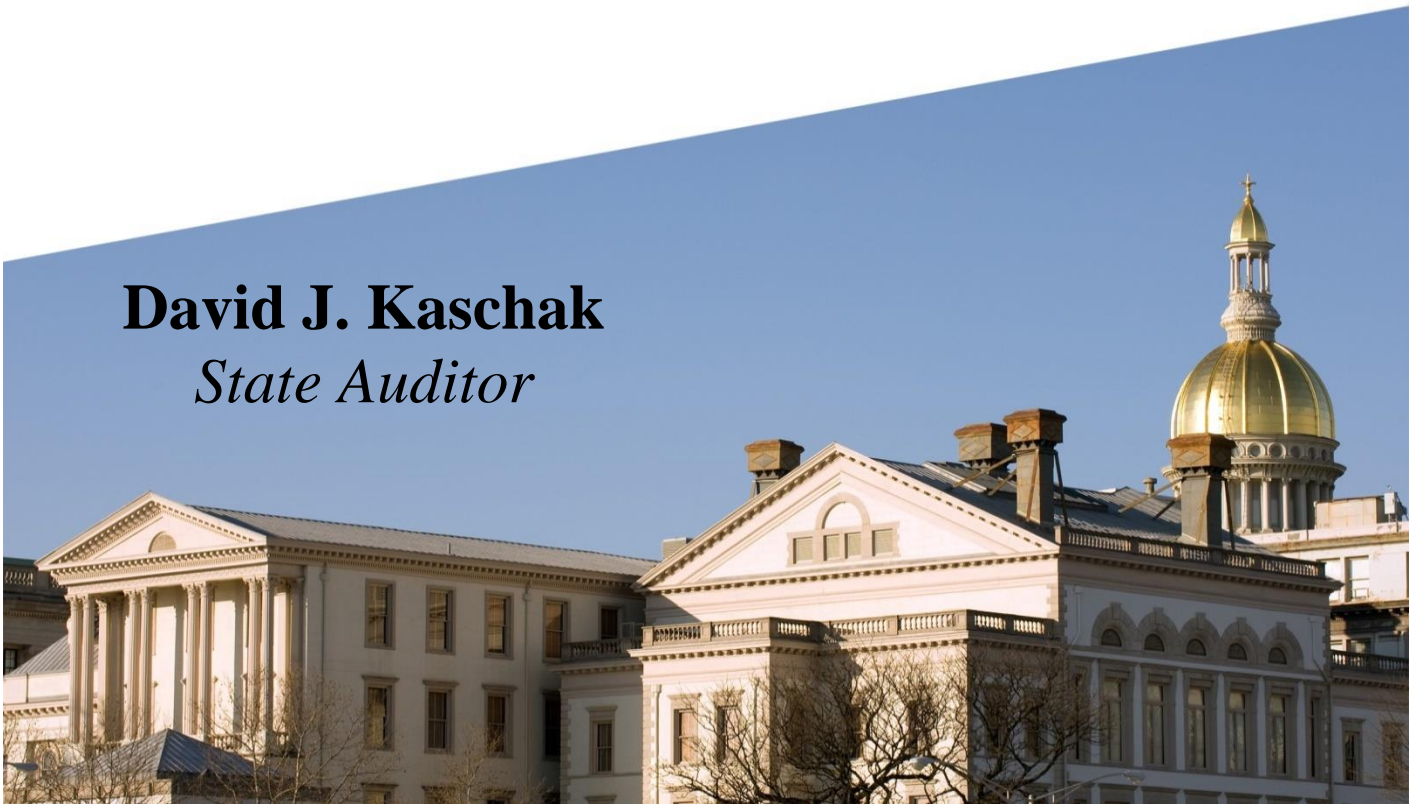


*New Jersey Legislature*  
★ *Office of* LEGISLATIVE SERVICES ★  
**OFFICE OF THE STATE AUDITOR**

Pinelands Commission

Fiscal Year 2019

**David J. Kaschak**  
*State Auditor*



LEGISLATIVE SERVICES COMMISSION

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Christopher J. Connors  
Kristin M. Corrado  
Nia H. Gill  
Linda R. Greenstein  
Thomas H. Kean, Jr.  
Joseph Pennacchio  
Loretta Weinberg

GENERAL ASSEMBLY

Jon M. Bramnick *Vice Chair*  
John J. Burzichelli  
Craig J. Coughlin  
John DiMaio  
Louis D. Greenwald  
Nancy F. Munoz  
Verlina Reynolds-Jackson  
Harold J. Wirths



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STATE AUDITOR  
609-847-3470  
Fax 609-633-0834

David J. Kaschak  
*State Auditor*

Brian M. Klingele  
*Assistant State Auditor*

Thomas Troutman  
*Assistant State Auditor*

The Honorable Philip D. Murphy  
Governor of New Jersey

The Honorable Stephen M. Sweeney  
President of the Senate

The Honorable Craig J. Coughlin  
Speaker of the General Assembly

Ms. Peri A. Horowitz  
Executive Director  
Office of Legislative Services

Enclosed is our report on the audit of the Pinelands Commission for the fiscal year ended June 30, 2019. If you would like a personal briefing, please call me at (609) 847-3470.

A handwritten signature in black ink that reads 'David J. Kaschak'.

David J. Kaschak  
State Auditor  
September 16, 2021

**PINELANDS COMMISSION  
TABLE OF CONTENTS**

Independent Auditor’s Report.....	1
Financial Statements	
Combined Balance Sheet – All Fund Types and Account Groups .....	5
Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – All Governmental and Fiduciary Fund Types .....	6
Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – General and Special Revenue Fund Types, Budget and Actual – Budgetary Basis .....	7
Notes to the Financial Statements.....	8
Required Supplementary Information	
Schedule of the Commission’s Proportionate Share of the Net Pension Liability, Public Employees’ Retirement System – Local .....	33
Schedule of the Commission’s Contributions – Public Employees’ Retirement System – Local.....	34
Schedule of Changes in the Total OPEB Liability and the Commission’s Proportionate Share of the Net OPEB Liability – State Health Benefit Retired Employees’ OPEB Plan.....	35
Schedule of the Commission’s Contributions – State Health Benefit Retired Employees’ OPEB Plan.....	36
Other Information	
Schedule of Expenditures of State Financial Assistance .....	38
Notes to the Schedule of Expenditures of State Financial Assistance.....	39
Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i> .....	41
Report on Compliance for Each Major State Program; Report on Internal Control over Compliance; and Report on the Schedule of Expenditures of State Financial Assistance Required by New Jersey Department of the Treasury Circular No. 15 -08-OMB.....	44
Summary Schedule of Audit Findings and Questioned Costs.....	47
Summary Schedule of Prior Audit Findings and Questioned Costs.....	49
Auditee Response.....	The Commission chose not to respond.

LEGISLATIVE SERVICES COMMISSION

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David J. Kaschak  
*State Auditor*

Brian M. Klingele  
*Assistant State Auditor*

Thomas Troutman  
*Assistant State Auditor*

INDEPENDENT AUDITOR'S REPORT

The Honorable Philip D. Murphy  
Governor of New Jersey

The Honorable Stephen M. Sweeney  
President of the Senate

The Honorable Craig J. Coughlin  
Speaker of the General Assembly

Ms. Peri A. Horowitz  
Executive Director  
Office of Legislative Services

**Report on the Financial Statements**

We have audited the accompanying modified accrual basis financial statements of the Pinelands Commission as of and for the year ended June 30, 2019, and the related notes to the financial statements as listed in the table of contents.

***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the modified accrual basis of accounting described in Note 1; this includes determining that the modified accrual basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatements, whether due to fraud or error.

### ***Auditor's Responsibility***

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

As discussed in Note 1, the Pinelands Commission prepares its financial statements on a modified accrual basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

### ***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective modified accrual basis financial position of the Pinelands Commission as of June 30, 2019, and the respective changes in financial position, and budgetary comparisons for the General Fund and the Special Revenue Funds for the year then ended in accordance with the modified accrual basis of accounting described in Note 1.

### ***Emphasis of Matter***

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified accrual basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

## *Other Matters*

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the schedules listed under Required Supplementary Information in the accompanying table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with evidence sufficient to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

### *Other Information*

Our audit was conducted for the purpose of forming an opinion on the Pinelands Commission's financial statements. The schedule of expenditures of state financial assistance is presented for the purpose of additional analysis as required by New Jersey Department of the Treasury Circular No. 15-08-OMB and is not a required part of the financial statements.

The schedule of expenditures of state financial assistance is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of state financial assistance is fairly stated, in all material respects, in relation to the financial statements as a whole.



**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated July 26, 2021 on our consideration of the Pinelands Commission management's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Pinelands Commission's internal control over financial reporting and compliance.



David J. Kaschak  
State Auditor  
July 26, 2021

**PINELANDS COMMISSION  
COMBINED BALANCE SHEET  
ALL FUND TYPES AND ACCOUNT GROUPS  
FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

	GOVERNMENTAL FUND TYPES		FIDUCIARY FUND TYPE	ACCOUNT GROUPS		TOTAL (Memorandum Only)
	GENERAL FUND	SPECIAL REVENUE FUNDS	PRIVATE PURPOSE TRUST FUNDS	GENERAL FIXED ASSETS	GENERAL LONG-TERM DEBT	
<b>ASSETS</b>						
<b>Cash &amp; Cash Equivalents</b>	\$ 2,566,746	\$ 8,685,218	\$ -	\$ -	\$ -	\$ 11,251,964
<b>Receivables:</b>						
Federal	37,153	-	-	-	-	37,153
<b>General Fixed Assets:</b>						
Furniture & Equipment	-	-	-	1,075,880	-	1,075,880
Vehicles	-	-	-	110,720	-	110,720
<b>Amount to be Provided for Retirement of Long-Term Liabilities</b>	-	-	-	-	417,040	417,040
<b>Due from Other Funds</b>	631,156	-	-	-	-	631,156
<b>Restricted Cash &amp; Cash Equivalents</b>	29,233	-	51,849	-	-	81,082
<b>Total Assets</b>	<u>\$ 3,264,288</u>	<u>\$ 8,685,218</u>	<u>\$ 51,849</u>	<u>\$ 1,186,600</u>	<u>\$ 417,040</u>	<u>\$ 13,604,995</u>
<b>LIABILITIES &amp; FUND EQUITY</b>						
<b>Liabilities:</b>						
Accounts Payable	\$ 390,109	\$ -	\$ -	\$ -	\$ -	\$ 390,109
Salaries Payable	63,384	-	-	-	-	63,384
Payroll Deductions Payable	85,024	-	-	-	-	85,024
Compensated Absences	33,190	-	-	-	417,040	450,230
Deferred Revenue	29,600	1,759,200	-	-	-	1,788,800
Due to State of New Jersey	255	-	-	-	-	255
Due to Other Funds	-	604,895	26,261	-	-	631,156
<b>Total Liabilities</b>	<u>\$ 601,562</u>	<u>\$ 2,364,095</u>	<u>\$ 26,261</u>	<u>\$ -</u>	<u>\$ 417,040</u>	<u>\$ 3,408,958</u>
<b>Fund Equity:</b>						
<b>Restricted For:</b>						
Unemployment Compensation	\$ -	\$ -	\$ 2,723	\$ -	\$ -	\$ 2,723
Katie Fund	-	-	7,865	-	-	7,865
Timber Rattlesnake Study	6,570	-	-	-	-	6,570
Rattlesnake Fencing	21,407	-	-	-	-	21,407
<b>Committed To:</b>						
Pinelands Conservation	-	5,400,171	-	-	-	5,400,171
Kirkwood-Cohansey Study	-	13,582	-	-	-	13,582
Encumbrances	334,129	41,305	-	-	-	375,434
Retirees' Health Benefits	799,155	-	-	-	-	799,155
Microfilming Project	-	-	-	-	-	-
Building Improvements	120,000	-	-	-	-	120,000
Vehicle Replacements	-	-	-	-	-	-
Computer Replacements	-	-	-	-	-	-
Other	-	-	-	-	-	-
Investment in General Fixed Assets	-	-	-	1,186,600	-	1,186,600
<b>Assigned To:</b>						
Subsequent Years Expenditures	849,964	814,397	15,000	-	-	1,679,361
Other	-	51,668	-	-	-	51,668
<b>Unassigned Fund Balance:</b>	531,501	-	-	-	-	531,501
<b>Total Fund Equity</b>	<u>\$ 2,662,726</u>	<u>\$ 6,321,123</u>	<u>\$ 25,588</u>	<u>\$ 1,186,600</u>	<u>\$ -</u>	<u>\$ 10,196,037</u>
<b>Total Liabilities &amp; Fund Equity</b>	<u>\$ 3,264,288</u>	<u>\$ 8,685,218</u>	<u>\$ 51,849</u>	<u>\$ 1,186,600</u>	<u>\$ 417,040</u>	<u>\$ 13,604,995</u>

The accompanying Notes to the Financial Statements are an integral part of this Statement.

**PINELANDS COMMISSION**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES**  
**ALL GOVERNMENTAL AND FIDUCIARY FUND TYPES**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

	GOVERNMENTAL FUND TYPES		FIDUCIARY FUND TYPE	TOTAL (Memorandum Only)
	GENERAL FUND	SPECIAL REVENUE FUNDS	PRIVATE PURPOSE TRUST FUNDS	
<b>REVENUES</b>				
State of New Jersey Appropriations	\$ 2,799,000	\$ -	\$ -	\$ 2,799,000
Fringe Benefits Paid by the State	687,000	-	-	687,000
Federal Grants	572,384	-	-	572,384
State Grants	-	500,000	-	500,000
Other Grants	450,000	-	-	450,000
Interest Income	68,238	198,199	1,090	267,527
Unemployment Deductions	-	-	4,454	4,454
Application Fees	690,059	-	-	690,059
Other	8,802	-	45	8,847
<b>Total Revenues</b>	<b>\$ 5,275,483</b>	<b>\$ 698,199</b>	<b>\$ 5,589</b>	<b>\$ 5,979,271</b>
<b>EXPENDITURES</b>				
<b>Current:</b>				
Personnel	\$ 4,362,228	\$ 513,189	\$ 16,614	\$ 4,892,031
Supplies	80,034	7,124	-	87,158
Services	519,721	461,138	-	980,859
Maintenance & Rent	28,501	-	-	28,501
<b>Capital Outlay</b>	13,196	-	-	13,196
<b>State Aid &amp; Grants</b>	-	-	-	-
<b>Land Acquisition</b>	-	251,482	-	251,482
<b>Total Expenditures</b>	<b>\$ 5,003,680</b>	<b>\$ 1,232,933</b>	<b>\$ 16,614</b>	<b>\$ 6,253,227</b>
<b>Excess/(Deficiency) of Revenues Over Expenditures</b>	<b>\$ 271,803</b>	<b>\$ (534,734)</b>	<b>\$ (11,025)</b>	<b>\$ (273,956)</b>
<b>OTHER FINANCING SOURCES/USES</b>				
Uncollectible Receivables	\$ -	\$ -	\$ -	\$ -
Operating Transfers Out	-	(60,000)	-	(60,000)
Operating Transfers In	60,000	-	-	60,000
<b>Total Other Financing Sources/(Uses)</b>	<b>\$ 60,000</b>	<b>\$ (60,000)</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Excess/(Deficiency) of Revenues and Other Sources over Expenditures &amp; Other Uses</b>	<b>\$ 331,803</b>	<b>\$ (594,734)</b>	<b>\$ (11,025)</b>	<b>\$ (273,956)</b>
<b>Fund Balance - Beginning of the Year</b>	<b>2,330,923</b>	<b>6,915,857</b>	<b>36,613</b>	<b>9,283,393</b>
<b>Fund Balance - End of the Year</b>	<b>\$ 2,662,726</b>	<b>\$ 6,321,123</b>	<b>\$ 25,588</b>	<b>\$ 9,009,437</b>

The accompanying Notes to the Financial Statements are an integral part of this Statement.

**PINELANDS COMMISSION**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES**  
**GENERAL AND SPECIAL REVENUE FUND TYPES**  
**BUDGET AND ACTUAL - BUDGETARY BASIS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

	GENERAL FUND			VARIANCE FAVORABLE/ (UNFAVORABLE)	SPECIAL REVENUE FUNDS			VARIANCE FAVORABLE/ (UNFAVORABLE)
	ADOPTED BUDGET	FINAL BUDGET	ACTUAL		ADOPTED BUDGET	FINAL BUDGET	ACTUAL	
<b>REVENUES</b>								
State of New Jersey Appropriations	\$ 2,799,000	\$ 2,799,000	\$ 2,799,000	\$ -	\$ -	\$ -	\$ -	\$ -
State Supplemental Appropriations								
Fringe Benefits Paid by the State	687,000	687,000	687,000	-	-	-	-	-
Federal Grants	779,708	779,708	572,384	(207,324)	-	-	-	-
State Grants	-	-	-	-	-	-	500,000	500,000
Other Grants	332,333	332,333	450,000	117,667	-	-	-	-
Interest Income	25,000	25,000	68,238	43,238	50,000	50,000	198,199	148,199
Application Fees	430,000	430,000	690,059	260,059	-	-	-	-
Anticipated from Reserves	142,070	142,070	142,070	-	-	-	-	-
Fund Balance Anticipated	570,562	570,562	570,563	1	114,270	114,270	114,270	-
Pinelands Conservation Activities Reserves	-	-	-	-	814,397	814,397	814,397	-
Other	89,400	89,400	8,802	(80,598)	-	-	-	-
<b>Total Revenues</b>	<b>\$ 5,855,073</b>	<b>\$ 5,855,073</b>	<b>\$ 5,988,116</b>	<b>\$ 133,043</b>	<b>\$ 978,667</b>	<b>\$ 978,667</b>	<b>\$ 1,626,866</b>	<b>\$ 648,199</b>
<b>EXPENDITURES</b>								
<b>Current:</b>								
Personnel	\$ 4,839,943	\$ 4,839,943	\$ 4,362,228	\$ 477,715	\$ 445,450	\$ 445,450	\$ 513,189	\$ (67,739)
Supplies	105,459	105,459	80,034	25,425	2,285	2,285	7,124	(4,839)
Services	855,093	855,093	772,547	82,546	194,475	194,475	52,173	142,302
Maintenance & Rent	82,050	82,050	28,501	53,549	-	-	-	-
Capital Outlay	32,528	32,528	17,247	15,281	-	-	-	-
<b>Land Acquisition</b>								
<b>Total Expenditures</b>	<b>\$ 5,915,073</b>	<b>\$ 5,915,073</b>	<b>\$ 5,260,557</b>	<b>\$ 654,516</b>	<b>\$ 918,667</b>	<b>\$ 918,667</b>	<b>\$ 823,968</b>	<b>\$ 94,699</b>
<b>OTHER FINANCING SOURCES/USES</b>								
Uncollectible Receivables	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Transfers Out	-	-	-	-	(60,000)	(60,000)	(60,000)	-
Operating Transfers In	60,000	60,000	60,000	-	-	-	-	-
<b>Total Other Financing Sources/(Uses)</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>	<b>\$ -</b>	<b>\$ (60,000)</b>	<b>\$ (60,000)</b>	<b>\$ (60,000)</b>	<b>\$ -</b>
<b>Net Increase/(Decrease) in Fund Balances</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 787,559</b>	<b>\$ 787,559</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 742,898</b>	<b>\$ 742,898</b>

The accompanying Notes to the Financial Statements are an integral part of this Statement.

**PINELANDS COMMISSION  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

**Note 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Description of the Reporting Entity** – The Pinelands Commission (Commission) was formed in 1979 by the Pinelands Protection Act. The Commission is charged with the development and implementation of the Comprehensive Management Plan for the Pinelands. It plays significant roles in monitoring the level and types of development that occur within the Pinelands including, but not limited to, acquisition of land, planning, zoning, permitting, research, and education. The Commission consists of 15 members. Seven are appointed by the Governor of New Jersey. Another seven are appointed by each of the counties within the Pinelands, i.e., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Ocean. One member is appointed by the U.S. Secretary of the Interior. The Commission works closely with all levels of government, organizations, and interested citizens to help them understand and implement the Pinelands Comprehensive Management Plan.

The primary criterion for including activities within the Commission's reporting entity, as set forth in Section 2100 of the GASB Codification of Governmental Accounting and Financial Reporting Standards, is the degree of oversight responsibility maintained by the Commission. Oversight responsibility includes financial interdependency, selection of governing authority, designation of management, ability to significantly influence operations, and accountability for fiscal matters. The combined financial statements include all funds and account groups of the Commission over which the board exercises operating control. There were no additional entities required to be included in the reporting entity under the criterion as described above, in the current fiscal year.

**Basis of Presentation** – The financial statements are prepared on the modified accrual basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. The more significant of the Commission's accounting policies are described in this note.

The accounts of the Commission are organized on the basis of funds and account groups, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled. An account group, on the other hand, is a financial reporting device designed to provide accountability for certain assets and liabilities that are not recorded in the funds because they do not directly affect net expendable available financial resources.

The various funds and accounts are grouped into three fund types within two broad fund categories and two account groups as follows:

## **GOVERNMENTAL FUNDS**

**General Fund** – The General Fund is the general operating fund of the Commission. It is used to account for all financial resources except those required to be accounted for in another fund.

**Special Revenue Funds** – The Special Revenue Funds are used to account for the proceeds of specific revenues, other than trusts, that are legally restricted to expenditures for specified purposes. The Commission utilizes the following three special revenue funds:

**Pinelands Development Credit Fund** – This fund is used to account for appropriations from the State of New Jersey that are restricted to purchasing Pinelands Development Credits through the Pinelands Development Credit Bank.

**Kirkwood-Cohansey Study Fund** – This fund is used to account for monies transferred to the Commission from the “Water Supply Fund” by the State of New Jersey to fund the completion of a report on the assessment on how the future and current water supply needs within the Pinelands area may be met while protecting the Kirkwood-Cohansey aquifer system.

**Pinelands Conservation Fund** – The Commission has reserved a portion of this fund to be used for preservation of land and designated other portions to be used for conservation planning/research and for community planning/design.

## **FIDUCIARY FUNDS**

**Private Purpose Trust Funds** – The Private Purpose Trust Funds are used to account for assets held by the Commission in a trustee capacity or as an agent on behalf of others. These include two Private Purpose Trust Funds, the Unemployment Compensation Insurance Fund, and the “Katie Fund”. Private Purpose Trust Funds are accounted for in essentially the same manner as governmental funds. Private Purpose Trust Funds account for assets of which both the principal and interest may be spent.

## **ACCOUNT GROUPS**

**General Fixed Assets Account Group** – Fixed assets used in governmental fund type operations are accounted for in the General Fixed Assets Account Group, rather than in governmental funds.

**General Long-Term Debt Account Group** – Long-Term liabilities expected to be financed from governmental funds are accounted for in the General Long-Term

Debt Account Group, not in the governmental funds. This includes the non-current portion of the liability for compensated absences.

Because of their spending measurement focus, expenditure recognition for governmental fund types is limited to exclude amounts represented by non-current liabilities. Since they do not affect net current assets, such long-term amounts are not recognized as governmental fund type expenditures or fund liabilities. They are instead reported as liabilities in the General Long-Term Debt Account Group.

**Basis of Accounting and Measurement Focus** – The modified accrual basis of accounting is used for measuring financial position and operating results of all governmental and fiduciary fund types. Under the modified accrual basis of accounting, revenues are recognized when they become both measurable and available. "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures are recognized in the accounting period in which the fund liability is incurred, except for principal and interest on general long-term debt, which are recorded when due.

**Budgets/Budgetary Control** – An annual appropriated budget is approved by the Commission each year for the General Fund and Special Revenue Funds. The budgets are prepared using the budgetary basis of accounting. Formal budgetary integration into the accounting system is employed as a management control device during the year. Encumbrance accounting is also employed as an extension of formal budgetary integration in the governmental fund types.

The accounting records of the General Fund and Special Revenue Funds are maintained on the budgetary basis. The budgetary basis differs from modified accrual basis in that the budgetary basis recognizes encumbrances as expenditures and also recognizes increases/decreases in internal designations of fund balance, whereas the modified accrual basis does not. Sufficient supplemental records are maintained to allow for the presentation of modified basis financial reports.

The budget, as detailed on the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – General and Special Revenue Fund Types, Budget and Actual – Budgetary Basis, include all amendments to the adopted budget.

The following presents a reconciliation of the General Fund from the budgetary basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – General and Special Revenue Fund Types, Budget and Actual – Budgetary Basis to the modified accrual basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – All Governmental and Fiduciary Fund Types.

Net increase (decrease) in fund balances for the year (budgetary basis)	
adjustments:	\$ 787,559
Less: net decrease in revenue recognized in previous years	(712,633)
Less: prior-year encumbrances recognized as current-year expenditures	(77,252)
Add: current-year encumbrances	<u>334,129</u>
Excess (deficiency) of revenues and other financing sources over	
expenditures and other financing uses (modified accrual basis)	<u>\$ 331,803</u>

The following presents a reconciliation of the Special Revenue Funds from the budgetary basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – General and Special Revenue Fund Types – Budget and Actual – Budgetary Basis to the modified accrual basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – All Governmental and Fiduciary Fund Types.

Net increase (decrease) in fund balances for the year (budgetary basis)	
adjustments:	\$ 742,898
Less: net decrease in revenue recognized in previous years	(928,667)
Less: prior-year encumbrances recognized as current-year expenditures	(412,769)
Add: current-year encumbrances	<u>3,805</u>
Excess (deficiency) of revenues and other financing sources over	
expenditures and other financing uses (modified accrual basis)	<u>\$ (594,733)</u>

**Encumbrances** – Under encumbrance accounting, purchase orders, contracts, and other commitments for the expenditure of resources are recorded to reserve a portion of the applicable appropriation. Open encumbrances are reported as reservations of fund balances at fiscal year end as they do not constitute expenditures or liabilities but rather commitments related to unperformed contracts for goods and services.

**Cash and Cash Equivalents** – Cash and cash equivalents include petty cash, change funds, cash in banks, and all highly liquid investments with a maturity of three months or less at the time of purchase and are stated at cost that approximates fair value. The Commission also participates in the State of New Jersey Cash Management Fund administered by the New Jersey Department of the Treasury, Division of Investment, wherein amounts contributed by the state, as well as other local government units, are combined into a large-scale investment program.

**Fixed Assets** – General fixed assets are reflected as expenditures in the applicable governmental funds, and the related assets are reported in the General Fixed Assets Account Group. Fixed assets are defined by the Commission as assets that have a cost in excess of \$1,000 at the date of acquisition and a useful life of one year or more.

**Compensated Absences** – Compensated absences are those absences for which employees will be paid, such as vacation, sick, administration, and paid leave bank. A liability for compensated absences attributable to services already rendered and not contingent on a specific event that is outside the control of the Commission and its employees is accrued as the employees earn the rights to the benefits.



Compensated absences related to future services or contingent on a specific event that is outside the control of the Commission and its employees are accounted for in the period in which such services are rendered or in which such events take place.

In governmental funds, compensated absences that are expected to be liquidated with expendable available financial resources are reported as an expenditure and fund liability in the fund that will pay for the compensated absences. The remainder of the compensated absences liability is reported in the General Long-Term Debt Account Group.

**Due from/to Other Funds** – Amounts due from/to other funds represent monies owed from or to other funds. The General Fund disburses all the funds for expenditures incurred by all other funds, and the monies are transferred between funds.

**Deferred Revenue** – Deferred revenue in the General and Special Revenue Funds represents cash that has been received but not yet earned.

**Fund Balance** – Refer to Note 11 for full description.

**Total Columns on Combined Statements** – Total columns are captioned "Memorandum Only" to indicate that they are presented only to facilitate financial analysis. Data in these columns do not present financial position, results of operations, or changes in financial position in conformity with accounting principles generally accepted in the United States of America, nor is such data comparable to a consolidation.

**Management Estimates** – The preparation of financial statements in conformity with accounting principles generally accepted in the United States required management to make estimates and assumptions that affect the reported amounts of revenue and expenditures/expenses during the reporting period. Actual results can differ from those estimates.

## CHANGES IN ACCOUNTING POLICY

### Recently Issued Accounting Principles

In Fiscal Year 2019 the Commission adopted two new Governmental Accounting Standards Board (GASB) standards as follows:

GASB Statement No. 83, *Certain Asset Retirement Obligations*.

GASB Statement No. 88, *Certain Disclosures Related to Debt, including Direct Borrowings and Direct Placements*.

All applicable provisions of these new statements have been incorporated into the financial statements and notes.

**Note 2: CASH AND CASH EQUIVALENTS**

The Pinelands Commission is governed by the deposit limitations of New Jersey state law. The deposits held at June 30, 2019, and reported at fair value are as follows:

<b>Deposits:</b>	<b>Amount</b>
Demand deposits	\$ 11,332,417
Cash on hand	629
<b>Total Deposits</b>	<b><u>\$ 11,333,046</u></b>
 <b>Reconciliation of Statement of Comparative Balance Sheets:</b>	
General Fund	\$ 2,595,979
Special Revenue Funds	8,685,218
Private Purpose Trust Funds	51,849
<b>Total Reconciliation of Comparative Balance Sheets</b>	<b><u>\$ 11,333,046</u></b>

GASB Statement No. 40, *Deposit and Investment Risk Disclosure*, requires that the Pinelands Commission disclose bank deposits that are subject to custodial credit risk. The custodial credit risk for deposits is the risk that, in the event of a failure of a depository financial institution, the Commission will not be able to recover deposits or will not be able to recover collateral securities that may be in the possession of an outside party. None of the Commission's funds were at risk at June 30, 2019.

The balance of the Commission's cash and cash equivalents are deposited in the New Jersey Cash Management Fund (CMF). The CMF is governed by regulations of the State Investment Council, which prescribe standards designed to ensure the quality of investments in order to minimize risk to the CMF's participants. An amount totaling \$11,133,163 was deposited with the CMF as of June 30, 2019; the Commission had \$199,255 in the operating account and \$629 in petty cash. The State of New Jersey, Department of the Treasury, Division of Investment, issues publicly available financial reports that include the financial statements of the CMF. The financial reports may be obtained by writing to the State of New Jersey, Department of the Treasury, Division of Investment, P.O. Box 290, Trenton, NJ 08625-0290.

**Note 3: FIXED ASSETS**

The following schedule is a summarization of general fixed assets by source as of June 30, 2019:

	Balance June 30, 2018	Additions	Deletions	Balance June 30, 2019
Furniture/ Equipment	\$ 1,132,442	\$ 13,172	\$ 69,734	\$ 1,075,880
Vehicles	110,720	-	-	110,720
Total	<u>\$ 1,243,162</u>	<u>\$ 13,172</u>	<u>\$ 69,734</u>	<u>\$ 1,186,600</u>

**Note 4: LEASES**

**Lease Obligations** – At June 30, 2019, the Commission had no operating lease agreements in effect. The Commission is paying a monthly a rental charge for a copy machine that is no longer under an agreement. Payments under the month-to-month rental for the fiscal year ended June 30, 2019 were \$4,533.

**Note 5: RETIREMENT SYSTEM**

All required employees of the Commission are covered by the Public Employees' Retirement System (PERS), which has been established by state statute and is administered by the New Jersey Division of Pensions and Benefits (division). According to the State of New Jersey Administrative Code, all obligations of the system will be assumed by the State of New Jersey should the system terminate. The division issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to:

State of New Jersey Division of Pensions and Benefits  
P.O. Box 295  
Trenton, New Jersey 08625-0295

<http://www.nj.gov/treasury/pensions/gasb-notices.shtml>

**General Information about the Pension Plan**

**Description of Retirement Plan**

**PERS** – is a cost-sharing, multiple-employer defined benefit pension plan which was established as of January 1, 1955, under the provisions of N.J.S.A. 43:15A. The PERS's designated purpose is to provide retirement, death, disability, and medical benefits to certain qualified members. Membership in the PERS is mandatory for substantially all full-time employees of the State of New Jersey or any county,

municipality, school district, or public agency, provided the employee is not required to be a member of another state-administered retirement system, other state pension fund, or local jurisdiction's pension fund.

### **Vesting and Benefit Provisions**

**PERS** – The vesting and benefit provisions are set by N.J.S.A. 43:15A and 43:3B. The PERS provides retirement, death, and disability benefits. All benefits vest after ten years of service, except for medical benefits, which vest after 25 years of service or under the disability provisions of the PERS.

The following represents the membership tiers for PERS:

<b>Tier</b>	<b>Definition</b>
1	Members who were enrolled prior to July 1, 2007
2	Members who were eligible to enroll on or after July 1, 2007 and prior to November 2, 2008
3	Members who were eligible to enroll on or after November 2, 2008 and prior to May 22, 2010
4	Members who were eligible to enroll on or after May 22, 2010 and prior to June 28, 2011
5	Members who were eligible to enroll on or after June 28, 2011

Service retirement benefits of 1/55th of final average salary for each year of service credit is available to tiers 1 and 2 members upon reaching age 60 and to tier 3 members upon reaching age 62. Service retirement benefits of 1/60th of final average salary for each year of service credit is available to tier 4 members upon reaching age 62 and tier 5 members upon reaching age 65. Early retirement benefits are available to tiers 1 and 2 members before reaching age 60, tiers 3 and 4 before age 62 with 25 or more years of service credit and tier 5 with 30 or more years of service credit before age 65. Benefits are reduced by a fraction of a percent for each month that a member retires prior to the age at which a member can receive full early retirement benefits in accordance with their respective tier. Tier 1 members can receive an unreduced benefit from age 55 to age 60 if they have at least 25 years of service. Deferred retirement is available to members who have at least 10 years of service credit and have not reached the service retirement age for their respective tier.

### **Contributions**

**PERS** – The contribution policy is set by N.J.S.A. 43:15A and requires contributions by active members and contributing employers. Members contribute at a uniform rate. Pursuant to the provisions of Chapter 78, P.L. 2011, the active member contribution rate increased from 5.5% of annual compensation to 6.5% plus an additional 1% phased-in over seven years beginning in July 2012.

The member contribution rate was 7.50% in state fiscal year 2019. The phase-in of the additional incremental member contribution rate takes place in July of each

subsequent state fiscal year. The rate for members who are eligible for the Prosecutors Part of PERS (Chapter 366, P.L. 2001) was 10%. Employers' contribution amounts are based on an actuarially determined rate. The Commission's contribution amounts are based on an actuarially determined amount, which includes the normal cost and unfunded accrued liability.

The Commission's contractually required contribution rate for the fiscal year ended June 30, 2019 was 13.13% of the Commission's covered payroll. This amount was actuarially determined as the amount that, when combined with employee contributions, is expected to finance the costs of benefits earned by employees during the year, including an additional amount to finance any unfunded accrued liability.

Based on the most recent PERS measurement date of June 30, 2018, the Commission's contractually required contribution to the pension plan for the fiscal year ended June 30, 2019 was \$412,464 and was paid on April 7, 2020. The Commission's contractually required contribution to the pension plan for the fiscal year ended June 30, 2018 was \$394,615 and was paid on April 1, 2019. Commission employee contributions to the pension plan during the fiscal year ended June 30, 2019 were \$247,735.

#### **Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

**PERS** – At June 30, 2019, the Commission's proportionate share of the net pension liability was \$7,811,353. The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2017. The total pension liability was calculated through the use of updated procedures to roll forward from the actuarial valuation date to the measurement date of June 30, 2018. The Commission's proportion of the net pension liability was based on a projection of the Commission's long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined. For the June 30, 2018 measurement date, the Commission's proportion was 0.0396726809%, which was an increase of 0.0009202376% from its proportion measured as of June 30, 2017.

For the fiscal year ended June 30, 2019, the Commission's proportionate share of the pension expense was \$438,972. This pension expense was based on the pension plan's June 30, 2018 measurement date. This expense is not recognized by the Commission because of the basis of accounting as described in Note 1; however, as previously mentioned for the fiscal year ended June 30, 2019 the Commission's contribution to PERS was \$394,615 and was paid by March 29, 2019.

At June 30, 2018, the Commission reported deferred outflows of resources and deferred inflows of resources related to PERS from the following sources:

	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences between expected and actual experience	\$ 148,964	\$ 40,278
Changes of assumptions	1,287,182	2,497,655
Net difference between projected and actual earnings on pension plan investments	-	73,271
Changes in proportion	297,534	206,668
Commission contributions subsequent to the measurement date	412,464	-
	<u>\$ 2,146,144</u>	<u>\$ 2,817,872</u>

The amount of \$412,464, included in deferred outflows of resources, will be included as a reduction of the net pension liability in the fiscal year ending June 30, 2020. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

<b>Fiscal Year Ending June 30</b>	<b>Amount</b>
2020	\$ 60,164
2021	(68,840)
2022	(508,291)
2023	(441,048)
2024	(126,177)
	<u>\$ (1,084,192)</u>

The amortization of the above other deferred outflows of resources and deferred inflows of resources related to pensions will be over the following number of years:

	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences between expected and actual experience		
Year of pension plan deferral:		
June 30, 2014	-	-
June 30, 2015	5.72	-
June 30, 2016	5.57	-
June 30, 2017	5.48	-
June 30, 2018	-	5.63
Changes of assumptions		
Year of pension plan deferral:		
June 30, 2014	6.44	-
June 30, 2015	5.72	-
June 30, 2016	5.57	-
June 30, 2017	-	5.48
June 30, 2018	-	5.63
Net difference between projected and actual earnings on pension plan investments		
Year of pension plan deferral:		
June 30, 2014	-	5.00
June 30, 2015	5.00	-
June 30, 2016	5.00	-
June 30, 2017	-	5.00
June 30, 2018	-	5.00
Changes in proportion		
Year of pension plan deferral:		
June 30, 2014	6.44	6.44
June 30, 2015	5.72	5.72
June 30, 2016	5.57	5.57
June 30, 2017	5.48	5.48
June 30, 2018	5.63	5.63

## Actuarial Assumptions

The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2017. The total pension liability was calculated through the use of updated procedures to roll forward from the actuarial valuation date to the measurement date of June 30, 2018. This actuarial valuation used the following actuarial assumptions, applied to all periods included in the measurement:

	<u>PERS</u>
Inflation	2.25%
Salary increases:	
FY 2016 to 2026	1.65% - 4.15% Based on Age
FY 2026 and thereafter	2.65% - 5.15% Based on Age
Investment rate of return	7.00%
Mortality rate table	RP-2000
Period of actuarial experience study upon which actuarial assumptions were based	July 1, 2011 - June 30, 2014

For PERS, preretirement mortality rates were based on the RP-2000 Employee Preretirement Mortality Table for male and female active participants. Mortality tables are set back 2 years for males and 7 years for females. In addition, the tables provide for future improvements in mortality from the base year of 2013 using a generational approach based on the plan actuary's modified MP-2014 projection scale. Postretirement mortality rates were based on the RP-2000 Combined Healthy Male and Female Mortality Tables (set back 1 year for males and females) for service retirements and beneficiaries of former members. In addition, the tables for service retirements and beneficiaries of former members provide for future improvements in mortality from 2012 to 2013 using Projection Scale AA and using a generational approach based on the Conduent 2014 projection scale thereafter. Disability retirement rates used to value disabled retirees were based on the RP-2000 Disabled Mortality Table (set back 3 years for males and set forward 1 year for females).

In accordance with state statute, the long-term expected rate of return on plan investments (7.00% at June 30, 2018) is determined by the State Treasurer, after consultation with the directors of the Division of Investment and the Division of Pensions and Benefits, the PERS Board of Trustees, and the actuaries.

The long-term expected rate of return was determined using a building block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense, and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected



rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic rates of return for each major asset class included in PERS's target asset allocation as of June 30, 2018 are summarized in the following table:

<b>PERS</b>		
<b>Asset Class</b>	<b>Target Allocation</b>	<b>Long-Term Expected Real Rate of Return</b>
Risk mitigation strategies	5.00%	5.51%
Cash equivalents	5.50%	1.00%
U.S. Treasuries	3.00%	1.87%
Investment grade credit	10.00%	3.78%
High yield	2.50%	6.82%
Global diversified credit	5.00%	7.10%
Credit oriented hedge funds	1.00%	6.60%
Debt-related private equity	2.00%	10.63%
Debt-related real estate	1.00%	6.61%
Private real estate	2.50%	11.83%
Equity-related real estate	6.25%	9.23%
U.S. equity	30.00%	8.19%
Non-U.S. developed markets equity	11.50%	9.00%
Emerging markets equity	6.50%	11.64%
Buyouts/venture capital	8.25%	13.08%
	<u>100.00%</u>	

**Discount Rate** – The discount rates used to measure the total pension liability at June 30, 2018 was 5.66%. The single blended discount rate was based on the long-term expected rate of return on pension plan investments of 7.00%, and a municipal bond rate of 3.87% as of June 30, 2018, based on the Bond Buyer Go 20-Bond Municipal Bond Index, which includes tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher. The projection of cash flows used to determine the discount rates for PERS assumed that contributions from plan members will be made at the current member contribution rates and that contributions from employers will be made based on the contribution rate in the most recent fiscal year. Based on those assumptions, the plan's fiduciary net position was projected to be available to make projected future benefit payments of current plan members through 2046.

Therefore, the long-term expected rate of return on plan investments was applied to projected benefit payments through 2046, and the municipal bond rate was applied to projected benefit payments after that date in determining the total pension liability.

**Sensitivity of Commission’s Proportionate Share of Net Pension Liability to Changes in the Discount Rate**

**PERS** – The following presents the Commission’s proportionate share of the net pension liability at June 30, 2018, the plans measurement date, calculated using a discount rate of 5.66%, as well as what the Commission’s proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1% lower or 1% higher than the current rates used:

	<b>PERS</b>		
	<b>1%</b>	<b>Current</b>	<b>1%</b>
	<b>Decrease</b>	<b>Discount Rate</b>	<b>Increase</b>
	<b>(4.66%)</b>	<b>(5.66%)</b>	<b>(6.66%)</b>
Commission's proportionate share of the net pension liability	\$ 9,821,877	\$ 7,811,353	\$ 6,124,653

**Pension Plan Fiduciary Net Position**

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the respective fiduciary net position of the PERS and additions to/deductions from PERS’s fiduciary net position have been determined on the same basis as they are reported by PERS. Accordingly, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value. For additional information about PERS, please refer to the plan’s Comprehensive Annual Financial Report, which can be found at <https://www.nj.gov/treasury/pensions/>.

**Note 6: HEALTH CARE BENEFITS**

The Commission provides health care benefits, through the New Jersey State Health Benefits Program, to all continuing employees who are scheduled to work 25 or more hours per week, along with their spouses and eligible dependents. Expenditures for health care benefits are recognized on a pay-as-you-go basis.

In accordance with P. L. 2011, Chapter 78, employees enrolled in the New Jersey State Health Benefits Program are required to contribute a portion of their bi-weekly salary. The balance of the monthly health care benefits premium is paid by the Commission, which receives a credit from the state. Employees covered by other health insurance can elect to waive coverage and receive \$1,000 annually.

The Commission’s health care benefits premiums, including employees’ contributions, are as follows:

**Health Care Costs**

<b>Fiscal Year</b>	<b>Premium</b>	<b>Cost to Commission</b>	<b>Employee Contributions</b>	<b>Credit from State</b>
2019	\$ 817,394	\$ 105,692	\$ 174,699	\$ 537,003
2018	806,293	135,627	154,447	516,219
2017	798,708	152,158	134,323	512,227
2016	797,988	152,839	134,285	510,864
2015	840,454	195,690	130,114	514,650

**Note 7: OTHER POSTEMPLOYMENT BENEFITS (OPEB)**

**General Information about the OPEB Plan**

**Plan Description and Benefits Provided** – The Commission contributes to the State Health Benefits Local Government Retired Employees’ Plan (plan), which is a cost-sharing, multiple-employer defined benefit other postemployment benefit plan. It covers employees of local governments that have adopted a resolution to participate in the plan. The plan meets the definition of an equivalent arrangement as defined in GASB Statement No. 75, *Accounting and Financial Reporting for the Postemployment Benefits Other Than Pensions*; therefore, assets are accumulated to pay associated benefits. For additional information about the plan, please refer to the State of New Jersey, Division of Pensions and Benefits’ Comprehensive Annual Financial Report, which can be found at the following link. <https://www.state.nj.us/treasury/pensions/financial-reports.shtml>.

The plan provides medical and prescription drug benefits to retirees and their covered dependents. Under the provisions of Chapter 88, P.L. 1974 and Chapter 48, P.L. 1999, local government employers electing to provide postretirement medical coverage to their employees must file a resolution with the division. Under Chapter 88, local employers elect to provide benefit coverage based on the eligibility rules and regulations promulgated by the State Health Benefits Commission. Chapter 48 allows local employers to establish their own age and service eligibility for employer-paid health benefits coverage for retired employees. Under Chapter 48, the employer may assume the cost of postretirement medical coverage for employees and their dependents who: 1) retired on a disability pension; or 2) retired with 25 or more years of service credit in a state or locally administered retirement system and a period of service of up to 25 years with the employer at the time of retirement as established by the employer; or 3) retired and reached the age of 65 with 25 or more years of service credit in a state or locally administered retirement system and a period of service of up to 25 years with the employer at the time of retirement as established by the employer; or 4) retired and reached age 62 with at least 15 years of service with the employer. Further, the law provides that the employer-paid

obligations for retiree coverage may be determined by means of a collective negotiations agreement.

Pursuant to Chapter 78, P.L., 2011, future retirees eligible for postretirement medical coverage who have less than 20 years of creditable service on June 28, 2011 will be required to pay a percentage of the cost of their health care coverage in retirement provided they retire with 25 or more years of pension service credit. The percentage of the premium for which the retiree will be responsible will be determined based on the retiree's annual retirement benefit and level of coverage.

**Contributions** – The funding policy for the OPEB plan is pay-as-you-go; therefore, there is no prefunding of the liability. However, due to premium rates being set prior to each calendar year, there is a minimal amount of net position available to cover benefits in future years. Contributions to pay for the health benefit premiums of participating employees in the OPEB plan are collected from participating local employers and retired members.

Pursuant to Chapter 78, P.L., 2011, future retirees eligible for postretirement medical coverage who have less than 20 years of creditable service on June 28, 2011 will be required to pay a percentage of the cost of their health care coverage in retirement provided they retire with 25 or more years of pension service credit. The percentage of the premium for which the retiree will be responsible will be determined based on the retiree's annual retirement benefit and level of coverage.

The Commission was billed monthly by the plan and has expended \$218,935 for the fiscal ended June 30, 2019, representing 6.97% of the Commission's covered payroll. The Commission has recognized revenue in the amount of \$149,997 for a credit from the State of New Jersey to cover retiree health benefits; however, this credit has no effect on the calculations in the plan.

### **OPEB Liability, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources**

**OPEB Liability** – At June 30, 2019 the Commission's proportionate share of the net OPEB liability was \$8,471,410. The net OPEB liability was measured as of June 30, 2018, and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation as of June 30, 2017, which was rolled forward to June 30, 2018.

The Commission's proportion of the net OPEB liability was based on the ratio of the plan members of an individual employer to the total members of the plan's nonspecial funding situation during the measurement period July 1, 2017 through June 30, 2018. For the June 30, 2018 measurement date, the Commission's proportion was 0.054073%, which was a decrease of 0.000256% from its proportion measured as of the June 30, 2017 measurement date.

**OPEB Expense** – At June 30, 2019, the Commission’s proportionate share of the OPEB expense, calculated by the plan as of the June 30, 2018 measurement date is \$282,162. This expense is not recognized by the Commission because of the basis of the accounting as described in Note 1; however, as previously mentioned, for the fiscal year ended June 30, 2019, the Commission made contributions to the plan totaling \$218,935.

**Deferred Outflows of Resources and Deferred Inflows of Resources** – At June 30, 2019, the Commission had deferred outflows of resources and deferred inflows of resources related to the OPEB liability from the following sources:

	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences between expected and actual experience	\$ -	\$ 1,719,998
Changes of assumptions	-	2,148,884
Net difference between projected and actual earnings on OPEB plan investments	4,477	-
Changes in proportion	-	294,998
Changes in contributions subsequent to the measurement date	218,935	-
Total	<u>\$ 223,412</u>	<u>\$ 4,163,880</u>

The amount of \$218,935, included in deferred outflows of resources, resulting from the Commission's contributions subsequent to the measurement date, will be included as a reduction of the Commission's net OPEB liability in the fiscal year ending June 30, 2020.

The Commission will amortize the other deferred outflows of resources and deferred inflows of resources related to the OPEB liability over the following number of years:

	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Changes of assumptions	-	8.14
Net difference between projected and actual earnings on OPEB plan investments	5.00	-
Changes in proportion	8.14	8.14

Other amounts included as deferred outflows of resources and deferred inflows of resources related to the OPEB liability will be recognized in future periods as follows:

<b>Fiscal Year Ending June 30</b>	<b>Amount</b>
2020	\$ (608,753)
2021	(608,753)
2022	(608,753)
2023	(609,226)
2024	(609,990)
Thereafter	<u>(1,113,928)</u>
Total	<u>\$ (4,159,403)</u>

### **Actuarial Assumptions**

The actuarial assumptions vary for each plan member depending on the pension plan in which the member is enrolled. The total OPEB liability as of June 30, 2018 was determined by an actuarial valuation as of June 30, 2017, which was rolled forward to June 30, 2018 and used the following assumptions:

Actuarial Assumptions

Inflation	2.50%
*Salary increases:	
Through 2026	1.65% - 8.98%
Thereafter	2.65% - 9.98%

\*Salary increases are based on the defined benefit plan that the member is enrolled in and his or her age.

Preretirement mortality rates were based on the RP-2006 Headcount-Weighted Healthy Employee Male/Female mortality table with fully generational mortality improvement projections from the central year using the MP-2017 scale. Postretirement mortality rates were based on the RP-2006 Headcount-Weighted Healthy Annuitant Male/Female mortality table with fully generational improvement projections from the central year using the MP-2017 scale. Disability mortality was based on the RP-2006 Headcount-Weighted Disabled Male/Female mortality table with fully generational improvement projections from the central year using the MP-2017 scale.

Certain actuarial assumptions used in the July 1, 2017 valuation were based on the results of the pension plan's experience study for which the members are eligible for coverage under this plan, the Public Employees' Retirement System (PERS). The PERS experience study was prepared for the period July 1, 2011 to June 30, 2014.

**Discount Rate** – The discount rate used to measure the OPEB Liability at June 30, 2018 was 3.87%. This represents the municipal bond return rate as chosen by the state. The source is the Bond Buyer Go 20-Bond Municipal Bond Index, which includes tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher. As the long-term rate of return is less than the municipal bond rate, it is not considered in the calculation of the discount rate, rather the discount rate is set at the municipal bond rate.

**Health Care Trend Assumptions** – For pre-Medicare preferred provider organization (PPO) and health maintenance organization (HMO) medical benefits, the trend rate is initially 5.8% and decreases to a 5.0% long-term trend rate after eight years. For self-insured post-65 PPO and HMO medical benefits, the trend rate is 4.5%. For prescription drug benefits, the initial trend rate is 8.0% decreasing to a 5.0% long-term trend rate after seven years. The Medicare Advantage trend rate is 4.5% and will continue in all future years.

**Sensitivity of the Net OPEB Liability to Changes in the Discount Rate** – The Commission's net OPEB liability as of the plan's June 30, 2018 measurement date, calculated using a discount rate of 3.87%, as well as using a discount rate that is 1% lower or 1% higher than the current rates used, is as follows:

	<b>1% Decrease (2.87%)</b>	<b>Current Discount Rate (3.87%)</b>	<b>1% Increase (4.87%)</b>
Commission's proportionate share of the net OPEB liability	<u>\$ 9,939,204</u>	<u>\$ 8,471,410</u>	<u>\$ 7,298,975</u>

**Sensitivity of the Net OPEB Liability to Changes in the Healthcare Cost Trend Rates** – The Commission’s proportionate share of the net OPEB Liability as of June 30, 2018, using a healthcare cost trend rates that are 1% lower or 1% higher than the current healthcare cost trend rate used is as follows:

	<b>1% Decrease</b>	<b>Healthcare Cost Trend Rates</b>	<b>1% Increase</b>
Commission's proportionate share of the net OPEB liability	<u>\$7,066,515</u>	<u>\$ 8,471,410</u>	<u>\$ 10,289,554</u>

**OPEB Plan Fiduciary Net Position**

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the respective fiduciary net position of the State Health Benefits Local Government Retired Employees’ Plan and additions to/deductions from the plan’s respective fiduciary net position have been determined on the same basis as they are reported by the plan. Accordingly, contributions (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value. For additional information about the plan, please refer to the plan’s Comprehensive Annual Financial Report, which can be found at: <https://www.state.nj.us/treasury/pensions/financial-reports.shtml>

**Note 8: RISK MANAGEMENT**

The Commission is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

**Property and Liability Insurance** – The Commission maintains an umbrella policy and commercial insurance coverage for property, general liability, commercial auto, and workers’ compensation.

**New Jersey Unemployment Compensation Insurance** – In 1979, the Commission elected to fund its New Jersey Unemployment Compensation Insurance under the "Benefit Reimbursement Method". Under this plan, the Commission is required to reimburse the New Jersey Unemployment Compensation Fund for



benefits paid to its former employees and charged to its account with the state. The Commission is billed quarterly for amounts due to the state. The following is a summary of employee contributions, reimbursements to the state for benefits paid, and the ending balance of the Commission's trust fund for the current and previous four years:

<b>Fiscal Year</b>	<b>Employee Contribution</b>	<b>Annual Reimbursement</b>	<b>Funding Balance *</b>
2019	\$ 4,454	\$ 16,614	\$ 2,724
2018	6,334	872	14,302
2017	4,375	12,050	8,566
2016	4,133	-	16,168
2015	5,602	-	12,016

\*Includes annual interest income

**Note 9: LONG-TERM DEBT**

**Compensated Absences** – The Commission’s policy states that employees are entitled, upon termination, to the current year’s earned but unused vacation time in addition to any unused vacation time previously earned. In addition, employees are eligible, at retirement, to receive payment for one-half of their accumulated sick leave up to a maximum of \$15,000. Unused vacation time expected to be taken in the succeeding fiscal year in the amount of \$33,190 has been recorded as a liability in the General Fund on the accompanying balance sheet.

A liability for vested compensated absences has also been established in the General Long-Term Debt Account Group as the benefits accrue to employees. As of June 30, 2019, the estimated long-term liability for compensated absences was \$417,040. Net long-term debt as of June 30, 2019 is as follows:

	<b>Balance 6/30/2018</b>	<b>Additions</b>	<b>Deductions</b>	<b>Balance 6/30/2019</b>	<b>Due Within One Year</b>
Compensated absences payable	\$ 35,271	\$ -	\$ 2,081	\$ 33,190	\$ 33,190
Estimated compensated absences payable	351,517	65,523	-	\$ 417,040	-
Total	<u>\$ 386,788</u>	<u>\$ 65,523</u>	<u>\$ 2,081</u>	<u>\$ 450,230</u>	<u>\$ 33,190</u>

**Note 10: INTERFUND RECEIVABLES AND PAYABLES**

The following interfund balances remained on the balance sheet at June 30, 2019:

<u>Fund</u>	<u>Interfund Receivable</u>	<u>Interfund Payable</u>
General Fund	\$ 631,156	\$ -
Special Revenue Funds		604,895
Private Purpose Trust Funds	-	26,261
Total	<u>\$ 631,156</u>	<u>\$ 631,156</u>

The interfund receivables and payables above predominately resulted from collections and payments made by certain funds on behalf of the other funds. During fiscal year 2019, the Commission expects to liquidate such interfunds, depending on the availability of cash flow.

**Note 11: GASB 54 – FUND BALANCE DISCLOSURES**

In accordance with GASB No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, the Commission classifies governmental fund balances as follows:

- Non-spendable – includes fund balance amounts that cannot be spent either because it is not in spendable form or because of legal or contractual constraints.
- Restricted – includes fund balance amounts that are constrained for specific purposes that are externally imposed by external parties, constitutional provision, or enabling legislation.
- Committed – includes fund balance amounts that are constrained for specific purposes that are internally imposed by the government through formal action of the highest level of decision making authority and does not lapse at year end.
- Assigned – includes fund balance amounts that are intended to be used for specific purposes that are neither considered restricted nor committed. Fund Balance may be assigned by the executive director or the board of commissioners.
- Unassigned – includes balance within the General Fund that has not been classified within the above mentioned categories and negative fund balances in other governmental funds.

Specific reservations of fund balances are described below:

**RESTRICTED FOR:**

Unemployment Compensation – This reserve was established with funds contributed by employees and used to reimburse the state for benefits paid, \$2,723.

Katie Fund – The Kathleen M. Lynch-van de Sande Fund consists of contributions from the public, which are dedicated to the support of reforestation and vegetation activities in the Pinelands and to further educational programs and projects that enhance the understanding of the Pinelands National Reserve, \$7,865.

Timber Rattlesnake Study – This reserve was created as a result of a settlement in order to fund an escrow for the study and monitoring of the timber rattlesnakes in and near a particular development site, \$6,570.

Rattlesnake Fencing – This reserve was created to account for funds restricted for possible future fencing necessitated by the above rattlesnake study, \$21,407.

**COMMITTED TO:**

Pinelands Conservation Fund – This reserve was established with funds provided by the Atlantic Electric Co. as a result of the proposed electric transmission line project to further the Pinelands protection program and ensure a greater level of protection for the unique resources of the Pinelands area, \$5,400,171.

Kirkwood-Cohansey Study – This reserve was created from funds from the Water Supply Fund to assess and prepare a report on the key hydrological and ecological information needed to determine how the current and future water supply needs of the Pinelands may be met while also protecting the Kirkwood-Cohansey aquifer system and avoiding any adverse ecological impact, \$13,582.

Encumbrances – The reserve for encumbrances was created to represent encumbrances outstanding at the end of the year based on purchase orders and contracts signed by the Commission but not completed as of the close of the fiscal year, \$375,434.

Retirees' Health Benefits – This is a designation of fund balance that the Commission intends to use to fund future retirees' health benefits, \$799,155.

Building Improvements – This is a designation of fund balance that the Commission intends to use to fund building improvements, \$120,000.

Investment in General Fixed Assets – This represents the amount invested in fixed assets, \$1,186,600.

**ASSIGNED TO:**

Subsequent Year's Expenditures – This designation of fund balance has been appropriated and included as anticipated revenue for the year ending June 30, 2020, \$1,679,361.

Other – This represents designations of fund balance that the Commission intends to use for various projects, such as Pinelands poster reprinting and service awards, \$51,668.

**UNASSIGNED FUND BALANCE:**

Unassigned – This represents the portion of fund balance resources available for appropriation, \$531,501.

**Note 12: ECONOMIC DEPENDENCY**

The Commission receives a significant portion of its total revenues from the State of New Jersey. Since these revenues are subject to annual appropriation, any reduction in the amount appropriated in the state’s budget will have a material impact on the operations of the Commission. A comparison of annual operating revenues is shown below:

<b>Fiscal Year</b>	<b>Total State Aid Revenues</b>	<b>General Fund Revenues*</b>	<b>Percentage</b>
2019	\$ 3,486,000	\$ 5,335,483	65%
2018	3,336,000	4,342,259	77%
2017	3,486,000	4,225,149	83%
2016	3,186,000	4,200,943	76%
2015	3,156,000	4,154,901	76%

\* Includes transfers from other funds

**Note 13: SUBSEQUENT EVENTS**

**SIGNIFICANT RISKS AND UNCERTAINTIES**

The current coronavirus (COVID-19), classified by the World Health Organization as a pandemic, disrupted normal business operations in 2020, and management has not determined the effect the pandemic will have on future operations.

**Required Supplementary Information**

PINELANDS COMMISSION  
SCHEDULE OF THE COMMISSION'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) - LOCAL  
REQUIRED SUPPLEMENTARY INFORMATION

	Measurement date ending June 30					
	2018	2017	2016	2015	2014	2013
Commission's proportion of the net pension liability	0.0396726809%	0.0387524433%	0.0393468730%	0.0385232928%	0.0406718663%	0.0394699485%
Commission's proportionate share of the net pension liability	\$ 7,811,353	\$ 9,020,949	\$ 11,653,415	\$ 8,647,707	\$ 7,614,886	\$ 7,543,491
Commission's covered payroll (plan measurement period)	\$ 2,664,084	\$ 2,713,988	\$ 2,706,800	\$ 2,739,132	\$ 2,796,096	\$ 2,698,088
Commission's proportionate share of the net pension liability as a percentage of covered payroll	293.21%	332.39%	430.52%	315.71%	272.34%	279.59%
Plan fiduciary net position as a percentage of the total pension liability (local)	53.60%	48.10%	40.14%	47.93%	52.08%	48.72%

Note: Until a full ten-year trend is completed, information will be presented for years for which information is available.

**PINELANDS COMMISSION  
SCHEDULE OF THE COMMISSION'S CONTRIBUTIONS  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) - LOCAL  
REQUIRED SUPPLEMENTARY INFORMATION**

	Fiscal Year Ended June 30					
	2019	2018	2017	2016	2015	2014
Contractually required contribution	\$ 412,464	\$ 394,615	\$ 359,000	\$ 349,552	\$ 331,197	\$ 335,293
Contributions in relation to the contractually required contribution	(412,464)	(394,615)	(359,000)	(349,552)	(331,197)	(331,197)
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,096
Commission's covered payroll (fiscal year)	<u>\$3,140,268</u>	<u>\$2,915,910</u>	<u>\$2,692,751</u>	<u>\$2,707,759</u>	<u>\$2,697,688</u>	<u>\$2,697,688</u>
Contributions as a percentage of commission's covered payroll	13.13%	13.53%	13.33%	12.91%	12.28%	12.43%

Note: Until a full ten-year trend is completed, information will be presented for years for which information is available.

**Changes in Benefit Terms**

None

**Changes in Assumptions**

For 2018, the discount rate changed to 5.66%, the long-term expected rate of return changed to 7.00%, demographic assumptions were revised in accordance with the results of the July 1, 2011 - June 30, 2014 experience study and the mortality improvement scale incorporated the plan actuary's modified MP-2014 projection scale. Further, salary was assumed to increase between 1.65% and 4.15% (based on age) through fiscal year 2026 and 2.65% and 5.15% (based on age) for each fiscal year thereafter. For 2017, the discount rate changed to 5.00%, and the long-term expected rate of return changed to 7.00% from 7.65%. For 2016, the discount rate changed to 3.98%, and the long term expected rate of return changed to 7.65% from 7.90%. For 2015 and 2014, the discount rate was 4.90% and 5.39%, respectively. In addition, the social security wage base was set at \$118,500 for 2015, increasing 4.00% per annum, compounded annually, and the Internal Revenue Code Section 401(a)(17) pay limit was set at \$265,000 for 2015, increasing 3.00% per annum, compounded annually.

**PINELANDS COMMISSION**  
**SCHEDULE OF CHANGES IN THE TOTAL OPEB LIABILITY AND THE COMMISSION'S PROPORTIONATE SHARE OF**  
**THE NET OPEB LIABILITY**  
**STATE HEALTH BENEFIT RETIRED EMPLOYEES' OPEB PLAN**  
**REQUIRED SUPPLEMENTARY INFORMATION**

	<u>Measurement date ending June 30</u>		
	<u>2018</u>	<u>2017</u>	<u>2016</u>
Total net OPEB liability:			
Service cost	\$ 896,235,148	\$ 1,064,525,862	\$ 793,330,866
Interest	764,082,232	648,423,508	693,228,312
Differences between expected and actual experience	(3,626,384,047)	-	-
Changes in assumptions or other inputs	(2,314,240,675)	(2,587,850,974)	3,126,488,338
Net investment income	(2,320,422)	(791,049)	(310,043)
Contributions from employers and non employers	(474,742,947)	(434,877,635)	(397,482,072)
Administrative expense	8,200,113	8,894,576	528,244
Net change in total net OPEB liability	\$ (4,749,170,598)	\$ (1,301,675,712)	\$ 4,215,783,645
Total OPEB liability, beginning	20,415,788,739	21,717,464,451	17,501,680,806
Total OPEB liability, ending	<u>\$ 15,666,618,141</u>	<u>\$ 20,415,788,739</u>	<u>\$ 21,717,464,451</u>
Commission's proportion of the net OPEB liability	0.054073%	0.054329%	0.055825%
Commission's proportionate share of the net OPEB liability	<u>\$ 8,471,410</u>	<u>\$ 11,091,694</u>	<u>\$ 12,123,775</u>
Commission's covered payroll (plan measurement period)	<u>\$ 2,915,910</u>	<u>\$ 2,692,751</u>	<u>\$ 2,707,759</u>
Commission's proportionate share of the net OPEB liability as a percentage of covered payroll	290.52%	411.91%	447.74%
Plan fiduciary net position as a percentage of the total pension liability	1.9700%	1.0300%	0.6900%

Notes to schedule:

No assets are accumulated in a trust that meets the criteria in Paragraph 45 of GASB 75

In accordance with GASB 75, the above information is also presented for the State Health Benefit Local Government Retired Employees' Plan. These schedules are presented to illustrate the requirements to show information for 10 years; however, until a full 10-year trend is compiled, this presentation will only include information for those years for which information is available.



**PINELANDS COMMISSION  
SCHEDULE OF THE COMMISSION'S CONTRIBUTIONS  
STATE HEALTH BENEFIT RETIRED EMPLOYEES' OPEB PLAN  
REQUIRED SUPPLEMENTARY INFORMATION**

	<b>Fiscal year ending June 30</b>		
	<b>2019</b>	<b>2018</b>	<b>2017</b>
Commission's required contribution	\$ 218,935	\$ 284,092	\$ 305,161
Contributions in relation to the required contribution	(218,935)	(284,092)	(305,161)
Contribution deficiency (excess)	\$ -	\$ -	\$ -
Commission's covered payroll (fiscal year)	\$ 3,140,268	\$ 2,915,910	\$ 2,692,751
Contributions as a percentage of Commission's covered payroll	6.97%	9.74%	11.33%

Note: In accordance with GASB 75, the above information is also presented for the State Health Benefit Local Government Retired Employees' Plan. These schedules are presented to illustrate the requirements to show information for 10 years; however, until a full 10-year trend is compiled, this presentation will only include information for those years for which information is available.

**Changes in Benefit Terms**

None

**Differences between Expected and Actual Experience**

The decrease in liability from June 30, 2017 to June 30, 2018 is due to changes in the census, claims, and premium experience.

**Changes in Assumptions**

The increase in the OPEB liability from June 30, 2015 to June 30, 2016 is due to the assumed discount rate from 3.80% as of June 30, 2015 to 2.85% as of June 30, 2016. The decrease in the OPEB liability from June 30, 2016 to June 30, 2017 is due to the increase in the assumed discount rate from 2.85% as of June 30, 2016 to 3.58% as of June 30, 2017. The decrease in liability from June 30, 2017 to June 30, 2018 is due to the increase in the assumed discount rate from 3.58% as of June 30, 2017 to 3.87% as of June 30, 2018 and a decrease in the assumed health care cost trend and excise tax assumptions.

## **Other Information**

**PINELANDS COMMISSION**  
**SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

Grantor/Pass Through Grantor/Program Title	STATE GRANT or GMIS NUMBER	PROGRAM or AWARD AMOUNT	GRANT PERIOD		ACCOUNTS	DEFERRED	CASH/ CREDIT RECEIVED	EXPENDITURES	ACCOUNTS	DEFERRED
			FROM	TO	RECEIVABLE 6/30/18	REVENUE 6/30/18			RECEIVABLE 6/30/19	REVENUE 6/30/19
<b>Department of Environmental Protection</b>										
State Aid	100-042-4800-082	\$ 2,799,000	07/01/18	06/30/19	\$ -	\$ -	\$ 2,799,000	\$ 2,799,000	\$ -	\$ -
Pinelands Development Credit Purchases	100-042-4800-324	13,000,000	07/01/99	Completion	-	1,759,200	-	-	-	1,759,200
<b>Credit from State - Fringe Benefits</b>	not applicable	687,000	07/01/18	06/30/19	-	-	687,000	687,000	-	-
<b>Total State Financial Assistance</b>					<u>\$ -</u>	<u>\$ 1,759,200</u>	<u>\$ 3,486,000</u>	<u>\$ 3,486,000</u>	<u>\$ -</u>	<u>\$ 1,759,200</u>

See Report and Notes to Schedules of Expenditures of State Financial Assistance.

**PINELANDS COMMISSION**  
**NOTES TO THE SCHEDULE OF EXPENDITURES OF**  
**STATE FINANCIAL ASSISTANCE**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2019**

**Note 1: GENERAL**

The accompanying Schedule of Expenditures of State Financial Assistance presents the activity of all state financial assistance programs of the New Jersey Pinelands Commission. The Commission is defined in Note 1 to the financial statements. All state financial assistance received directly from state agencies is included on the Schedule of Expenditures of State Financial Assistance.

**Note 2: BASIS OF ACCOUNTING**

The accompanying Schedule of Expenditures of State Financial Assistance is presented using the modified accrual basis of accounting. This basis of accounting is described in Note 1 to the Commission's general-purpose financial statements.

**Note 3: RELATIONSHIP TO FINANCIAL STATEMENTS**

Amounts reported in the accompanying schedule agree with amounts reported in the Commission's financial statements.

**Note 4: RELATIONSHIP TO STATE FINANCIAL REPORTS**

Amounts reported in the accompanying schedule agree with the amounts reported in the related state financial reports.

**Note 5: MAJOR PROGRAMS**

Major programs are identified in the *Summary of Auditor's Results* section of the Schedule of Findings and Questioned Costs.

**Pinelands Commission**

**Report on Internal Control over Financial Reporting and on Compliance  
and Other Matters Based on an Audit of Financial Statements Performed  
in Accordance with *Government Auditing Standards***

**For Fiscal Year Ended June 30, 2019**

SENATE

Stephen M. Sweeney *Chair*  
Christopher J. Connors  
Kristin M. Corrado  
Nia H. Gill  
Linda R. Greenstein  
Thomas H. Kean, Jr.  
Joseph Pennacchio  
Loretta Weinberg

GENERAL ASSEMBLY

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John J. Burzichelli  
Craig J. Coughlin  
John DiMaio  
Louis D. Greenwald  
Nancy F. Munoz  
Verlina Reynolds-Jackson  
Harold J. Wirths



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David J. Kaschak  
*State Auditor*

Brian M. Klingele  
*Assistant State Auditor*

Thomas Troutman  
*Assistant State Auditor*

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF  
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH GOVERNMENT AUDITING STANDARDS**

**INDEPENDENT AUDITOR'S REPORT**

The Honorable Philip D. Murphy  
Governor of New Jersey

The Honorable Stephen M. Sweeney  
President of the Senate

The Honorable Craig J. Coughlin  
Speaker of the General Assembly

Ms. Peri A. Horowitz  
Executive Director  
Office of Legislative Services

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Pinelands Commission, as of and for the year ended June 30, 2019, and the related notes to the financial statements, and have issued our report thereon dated July 26, 2021.

**Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Pinelands Commission's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion

on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Pinelands Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Pinelands Commission's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Pinelands Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



David J. Kaschak  
State Auditor  
July 26, 2021

**Pinelands Commission**

**Report on Compliance for Each Major State Program; Report on  
Internal Control over Compliance; and Report on the Schedule of  
Expenditures of State Financial Assistance Required by New Jersey Department of the  
Treasury Circular No. 15-08-OMB**

**For the Fiscal Year Ended June 30, 2019**



LEGISLATIVE SERVICES COMMISSION

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**REPORT ON COMPLIANCE FOR EACH MAJOR STATE PROGRAM; REPORT  
ON INTERNAL CONTROL OVER COMPLIANCE; AND REPORT ON THE  
SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE  
REQUIRED BY NEW JERSEY DEPARTMENT OF THE TREASURY  
CIRCULAR NO. 15-08-OMB**

INDEPENDENT AUDITOR'S REPORT

The Honorable Philip D. Murphy  
Governor of New Jersey

The Honorable Stephen M. Sweeney  
President of the Senate

The Honorable Craig J. Coughlin  
Speaker of the General Assembly

Ms. Peri A. Horowitz  
Executive Director  
Office of Legislative Services

**Report on Compliance for Each Major State Program**

We have audited the Pinelands Commission's compliance with the types of compliance requirements described in the New Jersey Grant Compliance Supplement that could have a direct and material effect on each of its major state programs for the year ended June 30, 2019. The Pinelands Commission's major state programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

## **Management's Responsibility**

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its state programs.

## **Auditor's Responsibility**

Our responsibility is to express an opinion on compliance for each of the Pinelands Commission's major state programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and New Jersey Department of the Treasury Circular No. 15 -08-OMB. These standards and New Jersey Department of the Treasury Circular No. 15 -08-OMB require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major state program occurred. An audit includes examining, on a test basis, evidence about the Pinelands Commission's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major state program. However, our audit does not provide a legal determination of the Pinelands Commission's compliance.

## **Opinion on Each Major State Program**

In our opinion, the Pinelands Commission complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major state programs for the year ended June 30, 2019.

## **Report on Internal Control over Compliance**

Management of the Pinelands Commission is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Pinelands Commission's internal control over compliance with the types of requirements that could have a direct and material effect on each major state program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major state program and to test and report on internal control over compliance in accordance with New Jersey Department of the Treasury Circular No. 15-08-OMB, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Pinelands Commission's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing

their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a state program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a state program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a state program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of New Jersey Department of the Treasury Circular No. 15-08-OMB. Accordingly, this report is not suitable for any other purposes.

**Report on the Schedule of Expenditures of State Financial Assistance Required by New Jersey Department of the Treasury Circular No. 15-08-OMB**

We have audited the financial statements of the Pinelands Commission as of and for the year ended June 30, 2019, and have issued our report thereon dated July 26, 2021, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying schedule of expenditures of state financial assistance is presented for purposes of additional analysis as required by New Jersey Department of the Treasury Circular No. 15-08-OMB and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of state financial assistance is fairly stated in all material respects in relation to the financial statements as a whole.



David J. Kaschak  
State Auditor  
July 26, 2021

**PINELANDS COMMISSION  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FISCAL YEAR ENDED JUNE 30, 2019**

**Section I - Summary of Auditor's Results**

**Financial Statements**

Type of auditor's report issued: Unmodified

Internal control over financial reporting:

Material weakness(es) identified?       Yes       No

Significant deficiency(ies) identified?       Yes       None  
Reported

Noncompliance material to financial statements noted?       Yes       No

**Federal Awards Section**

Federal Awards Section is not applicable; The Pinelands Commission did not meet the \$750,000 threshold for federal single audit.

**State Awards Section**

Internal control over major programs:

Material weakness(es) identified?       Yes       No

Significant deficiency(ies) identified?       Yes       None  
Reported

Type of auditor's report on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with New Jersey Department of the Treasury Circular No. 15-08-OMB       Yes       No

**PINELANDS COMMISSION  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
FISCAL YEAR ENDED JUNE 30, 2019**

**Section I - Summary of Auditor's Results (continued):**

Identification of major programs:

<u>State Program Number</u>	<u>Name of State Program</u>
100-042-4800-082	State of New Jersey Appropriation
Not applicable	Credit from State - Fringe Benefits

**Section II – Schedule of Financial Statement Findings**

No compliance or internal control over financial reporting findings were noted that are required to be reported under *Government Auditing Standards*.

**Section III – Schedule of State Awards Findings and Questioned Costs**

The audit disclosed no findings or questioned costs for the current period.

**PINELANDS COMMISSION**  
**SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS AND QUESTIONED COSTS**  
**FISCAL YEAR ENDED JUNE 30, 2019**

<u><b>Finding No.</b></u>	<u><b>Condition</b></u>	<u><b>Status</b></u>
None.		



State of New Jersey  
 THE PINELANDS COMMISSION  
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PHILIP D. MURPHY  
 Governor  
 SHEILA Y. OLIVER  
 Lt. Governor

General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT  
 Chairman  
 SUSAN R. GROGAN  
 Acting Executive Director

## MEMORANDUM

To: Members of the Pinelands Commission

From: Brad Lanute   
 Planning Specialist

Date: September 28, 2021

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed two ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). They included the following:

**Medford Township Ordinance 2020-22** – establishes Chapter 123 (Trees) of the Township Code to provide procedures and standards for the issuance of tree removal permits and requirements for tree replacement plans. It identifies tree removal activities that are exempt from tree permit and tree replacement plan requirements. The ordinance also prohibits the sale of wood at “wood stands” or similar facilities except at a retail commercial establishment or garden center, and on property that is five acres or more and farmland assessed.

**Medford Township Ordinance 2021-10** - amends Chapter 123 (Trees) of the Township Code by clarifying trees may be removed as part of an application for development approved by the Medford Township Planning or Zoning Board without the need for submitting a tree removal/replacement plan and obtaining a tree removal permit. The ordinance also clarifies that if tree replacement is required within the Pinelands Area, the tree species shall be selected from either the list of native species set forth in N.J.A.C. 7:50-6.25 or the Pinelands Commission fact sheet entitled “Native Pinelands Plants for Landscaping.” Lastly, the ordinance specifies that wood stands permitted on farmland assessed property must obtain a permit and comply with the provisions of Chapter 67, Farm Stands. It is noted that Chapter 67 provides that a farm stand is defined as a temporary building or structure, with all farm stand permits expiring at the end of each calendar year. Farm stand locations are limited to specified roads and the maximum square footage is limited to 250 square feet. Based on these limitations, wood stands on farmland assessed property would be considered accessory uses under the CMP.