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Governor  
SHEILA Y. OLIVER  
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State of New Jersey  
THE PINELANDS COMMISSION  
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LAURA E. MATOS  
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## MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan   
Acting Executive Director

Date: August 18, 2022

Subject: August 26, 2022 Committee meeting

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Enclosed please find the agenda for the Committee's upcoming meeting on August 26, 2022. We have also enclosed the following:

- The minutes from the Committee's July 29, 2022 meeting.
- A memorandum updating the Committee on the applications received for the latest round of Pinelands Conservation Fund land acquisition grants and recommending next steps.
- A draft resolution to approve an additional extension of the Commission's Secondary Impacts Agreement with Atlantic County associated with the improvement of Garden State Parkway Interchange 44. A copy of the County's extension request is also enclosed.
- A memorandum outlining possible forestry policy proposals for submission to the New Jersey Forest Stewardship Task Force.

The Committee meeting will be conducted in-person and via teleconference. Specific access information will be provided to all Committee members in a separate email. The public is invited to attend the meeting in-person or view and participate in the meeting through the following YouTube link:

[www.youtube.com/c/PinelandsCommission](https://www.youtube.com/c/PinelandsCommission)



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## CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

August 26, 2022 – 9:30 a.m.

**This meeting will be held in-person and virtually**

Richard J. Sullivan Center for Environmental Policy and Education  
Terrence D. Moore Conference Room  
15C Springfield Road  
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

[www.youtube.com/c/PinelandsCommission](https://www.youtube.com/c/PinelandsCommission)

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 839 3108 3354

### Agenda

1. Call to Order
2. Adoption of minutes from the July 29, 2022, CMP Policy & Implementation Committee meeting
3. Update on Pinelands Conservation Fund Land Acquisition grants
4. Consideration of an additional extension of the Secondary Impacts Agreement between the Commission and Atlantic County for Garden State Parkway Interchange 44
5. Continued review of forestry policy proposals to be submitted to the New Jersey Forest Stewardship Task Force
6. Update on Pemberton Township Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan
7. Public Comment

**CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

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

<https://www.youtube.com/watch?v=QjfMNHG6Uas>

Meeting ID: 861 7042 1150  
Richard J. Sullivan Center  
15C Springfield Rd  
New Lisbon, New Jersey 08064  
**July 29, 2022 - 9:30 a.m.**

**Members in Attendance** – Alan W. Avery, Jr., Jerome H. Irick, Mark Lohbauer, Laura E. Matos (Chair)

**Members Absent** – Edward Lloyd

**Other Commissioners in Attendance** – Theresa Lettman, Davon McCurry

**Commission Staff in Attendance (TDM Room)** – Branwen Ellis, Susan R. Grogan, Charles Horner, Brad Lanute, Paul Leakan, Trent Maxwell, Jessica Noble, Steven Simone, Ed Wengrowski

**Commission Staff in Attendance (Zoom)** – John Bunnell, Stacey Roth

**1. Call to Order**

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

**2. Adoption of Minutes from the June 24, 2022, CMP Policy and Implementation Committee Meeting**

Chair Matos asked for a motion to adopt the minutes from the June 24, 2022, CMP Policy and Implementation Committee meeting. Commissioner Irick made the motion, and Commissioner Lohbauer seconded. All Commissioners voted in favor.

**3. Executive Director’s Reports**

**Pemberton Township Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan**

Acting Executive Director Susan Grogan presented the staff’s findings on Pemberton Township Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan (maps attached). Ms. Grogan provided historical context of the existing zoning that underlies the redevelopment area. She stated that the Regional Growth Area (RGA) portion of the redevelopment area was re-

zoned RA (Residential Age Restricted) in 1992 to encourage the development of an age-restricted community.

At the time, Pemberton's RGA was considered over-zoned, meaning the Township was providing more units than what the Pinelands Comprehensive Management Plan (CMP) required. The zone was unique due to its Pinelands Development Credit (PDC) requirements; the Commission was concerned that Pemberton was zoned for many units but not many PDC opportunities. The RA Zone established a base density at only 0.33 units per acre, which is quite unusual in sewered portions of the RGA. The ordinance was also written to require use of PDCs if the developer wanted to increase that base density up to two units per acre.

Once PDCs are used to reach two units per acre, the ordinance allowed developers to add more age-restricted senior housing bonus units. It was a creative zoning method to encourage age-restricted housing at a certain density. The Commission's prime objective was to ensure that many PDC opportunities were accommodated in this zone.

Thirty years later, the RA Zone has still not been developed. A developer received a general development approval for the site in the 2000s but never proceeded. The Township is now working with the same developer on reviving the project, which the Township is interested in facilitating. The new project proposed is not significantly different than the original plan from years ago, though using a redevelopment plan allows the Township to work more closely with the developer.

Ms. Grogan referred to a map of the redevelopment area (attached), with Community Extension (CE) Zones depicted. She said there are approximately 60 lots in the redevelopment area, but the main lot encompasses most of the area. The white dotted line shows the boundary between Forest Area (FA) and RGA. The redevelopment plan permits 575 units that still must be age-restricted. All development must occur in the RGA portion of the area; only low-intensity recreation is allowed in the FA. There is a 40% set aside requirement for open space and recreational facilities included in the plan.

The redevelopment plan requires all units to maximize passive solar heating using architectural features where it is viable. Additionally, the redeveloper is required to offer active solar energy system purchase and installation options for rooftop installations on single family and townhouse units where appropriate. The plan does not require solar, but it does make it a potential option. Ms. Grogan said she hopes to see similar plans and requirements in other Pinelands municipalities.

Any lands that are set aside for open space must be deed restricted so that they are not available for further development. PDC requirements are built into the redevelopment plan, with Pemberton replacing the underlying zoning plan for the area. It has instead taken a simpler approach that the staff feels is more realistic. The new PDC requirement is for 25% of the market rate units; the required affordable housing units will have no PDC obligation.

This brings the redevelopment plan closer in line with the Commission's recommendations for density and PDC requirements. Ms. Grogan said that while the theoretical potential for PDCs is diminished, the original zoning proved not to be conducive for a large project. The actual

number of PDCs that could realistically be accommodated was significantly lower. To build all the units permitted in the RA Zone, the developer would have to redeem over 400 rights.

Ms. Grogan said staff felt this was too heavy an obligation to assign to one zone or property in Pemberton's RGA. In the past, there were few opportunities for the use of PDCs in the Township. More recently, new residential development potential and PDC opportunities have been accommodated through other redevelopment plans. These include the abandoned Rowan College at Burlington County campus and Browns Mills Town Center.

Ms. Grogan said she is much more comfortable with these densities and PDC requirements than she ever was with the provisions of the old RA Zone. She pointed out that under the current zoning, residential development is allowed in the FA at one unit per 17 acres. In the new redevelopment plan, no residential development is allowed in the FA; all units must be built in the RGA. The entire FA is expected to be set aside as open space and used only for low intensity recreation. She added that there are portions of the RGA with environmental constraints that would also remain open space.

Ms. Grogan said the staff recommends approval of the redevelopment plan, and that it is beneficial to the Township and the Pinelands Area. The plan clarifies that any access roads that are built for the residential development must meet all environmental standards laid out in the CMP. She noted various access roads had been proposed that had potential environmental impacts. She concluded that it is a better document and better approach than the old zoning plan.

Commissioner Lohbauer asked about the blue CE (Community Extension) Zones and if they are different from the rest of the area. Ms. Grogan said the CE Zones are not owned by the redeveloper, and that the redevelopment plan simply maintains their existing underlying zoning.

Commissioner Lohbauer continued that the project sounds fantastic, and that he is grateful to Pemberton for prioritizing preserving forested lands and incorporating requirements for renewable energy where practicable. He said it was very forward thinking. He also said the 115 PDC rights in hand are better than 411 rights in the bush.

Commissioner Avery asked how large the blue CE Zone was in the FA. Ms. Grogan said it was ten acres, which is not enough for a single-family home in the FA.

Commissioner Avery asked why the FA was zoned next to the RGA in this instance, which is uncommon in the Pinelands CMP. Ms. Grogan said this configuration may have been original to the CMP or negotiated with the Township in the 1980s.

Commissioner Avery asked if the property owner was the same in the FA and the RGA. Ms. Grogan said yes. He asked if the open space percentage included the FA. Ms. Grogan said the 40% open space requirement applies to the entire tract owned by the developer. Ms. Grogan mentioned there are other lands inside the RGA with environmental constraints, which would also remain undeveloped.

The Commissioner asked if the sewer system has the capacity to handle the new development. Ms. Grogan said that has not been raised as an issue as far as she is aware. Commissioner Avery

added that there is quite a bit of redevelopment potential in Pemberton now, including the old college and the prison site. Ms. Grogan said Pemberton was recently awarded a Pinelands Infrastructure Trust Fund (PITF) grant for water supply management.

Commissioner Irick asked for the size of the full redevelopment area. Ms. Grogan said that it is 718 acres, and the RGA portion is about 350 acres. He asked if the water supply is adequate or if new wells would be needed. Ms. Grogan said she did not think new wells would be necessary.

Chair Matos asked for a motion to recommend the ordinance to the full Commission in August. Commissioner Lohbauer made the motion. All voted in favor.

It was noted that Commissioner McCurry joined the meeting. Ms. Grogan clarified that Commissioners Lettman and McCurry are not members of the Committee and, as such, are not voting on any matter before the Committee.

### **Southampton Township Ordinance 2022-05, adopting a Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area**

Planning Specialist Brad Lanute presented the staff's findings on Southampton Township Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner. Referencing a map of the redevelopment area (attached), he noted the area is approximately 20 acres, situated on the southwest corner of the Red Lion Circle where Route 70 intersects Route 206. It is located entirely within Southampton's Highway Commercial (HC) Zone and a Pinelands Rural Development Area (RDA).

The redevelopment area includes three lots under common ownership. One of the lots includes an existing restaurant and the other two are currently vacant. He described the goals of the redevelopment and the variety of commercial uses permitted in the redevelopment area. In describing the plan's development standards, he pointed out that there is a 25,000 square foot limit on the total gross floor area for the entirety of the redevelopment area.

Mr. Lanute noted that the redevelopment area contains one of the few vacant upland areas remaining in Southampton's Pinelands Area, and that the Township has desired additional commercial development in this area given its access to Route 70. However, prior attempts to develop the two vacant lots have been stymied by an inability to site new on-site septic systems due to depth to seasonal high water table issues.

The redevelopment plan addresses this constraint by requiring the replacement of the septic system servicing the existing restaurant with an advanced wastewater treatment system that would serve all proposed uses within the redevelopment area. The advanced treatment system is required to meet the CMP septic dilution standard of 2 ppm nitrate/nitrite.

Mr. Lanute described why, under a strict interpretation of the CMP, an advanced treatment system would not be permitted for new non-residential development in the RDA. He went on to describe how the redevelopment plan's approach draws upon the CMP's municipal flexibility provisions. He described the plan's land preservation component that serves to offset the

increased development potential allowed by the use of the advanced treatment system. The plan requires that for every 1,000 square feet of existing and proposed floor area approved under the plan, one acre of contiguous or non-contiguous land in the Township's RDA must be preserved via deed restriction. If the site was fully built out, it would require the preservation of 25 acres in Southampton's RDA.

Mr. Lanute described how the land preservation component was evaluated and the analysis provided by the Township to demonstrate realistic opportunities to meet the plan's land preservation requirements. He concluded that staff found the redevelopment plan's approach an appropriate use of the CMP's municipal flexibility provisions.

Commissioner Lohbauer said it was a great presentation and agreed that it was a creative approach to the problem. He said it makes sense that Southampton would want to focus development in this area. The Commissioner asked if a redeveloper or specific new commercial uses have been identified.

Ms. Grogan replied that the plan has been four years in the making, and a series of developers, redevelopers, and concept plans have come and gone. She said there is no specific plan but confirmed there is interest in developing the area. The diner owns the two adjacent lots, so the staff feels confident that the lots will be developed in a comprehensive and coordinated manner.

Commissioner Lohbauer asked if Southampton was contemplating a strip-type center at the site, saying the 25,000 square feet of retail space sounds like several stores lined up behind a parking lot.

Mr. Lanute said there are provisions that discuss shared parking access between the parcels, and there is flexibility for development of multiple buildings like fast food establishments.

Ms. Grogan said none of the plans she read envisioned a strip mall, but instead an expansion of the diner and an addition of new stores in the other two lots. They would be separate buildings, but with linked parking and transportation infrastructure.

Commissioner Lohbauer said he liked the approach the Township is taking and that he is supportive. He added that he would like to see the use of pervious parking surfaces.

Commissioner Avery asked Ed Wengrowski, Environmental Technologies Coordinator, if the advanced wastewater treatment systems normally used for single-family dwellings would work in a commercial development setting. Mr. Wengrowski said New Jersey Department of Environmental Protection (NJDEP) permits would be required if flows exceed 2,000 gallons per day. There would be a permit discharge standard with a licensed operator that would monitor flows monthly; the NJDEP would reserve the right to impose fines if the site is not compliant.

Commissioner Avery continued that he did not think any of the Commission's septic systems could handle that load. Mr. Wengrowski said they could and cited a system serving a Dunkin' Donuts and Dollar General in Folsom. The Amphidrome system serves both sites, and that all the Commission's pilot program systems are scalable. It would not be a residential pilot program septic system; it would be a commercial unit.

Commissioner Avery asked if this is an area where the state owns a particularly wide right-of-way. Mr. Lanute said yes and pointed to the top left corner outside the RDA and owned by the New Jersey Department of Transportation (DOT). The Commissioner commented that there are often access issues around the Red Lion Diner, and Ms. Grogan said this is one of the improvements considered in the plan.

Chair Matos asked for a motion to recommend the ordinance to the full Commission in August. Commissioner Lohbauer made the motion. Commissioner Irick seconded. All Commissioners voted in favor.

#### **4. Review of Forestry Policy Proposals to be Submitted to the Forest Stewardship Task Force**

Commissioner Lohbauer recused himself from the discussion, citing his participation on the NJ Forest Stewardship Task Force, and was placed in the virtual waiting room.

Commission Environmental Specialist Branwen Ellis gave a presentation on the NJ Forest Stewardship Task Force (attached). The task force draws together participants from government agencies, interest groups, and private citizens and was formed by Senator Bob Smith. The entity's goal is to study and identify the ways the state can best manage its forest resources to combat climate change, prevent forest fires, improve ecosystems, and protect soil and water quality.

Ms. Ellis shared slides providing additional background on the task force. The first meeting was held in late April with over 200 participants and resulted in the formation of three work groups: climate workgroup, ecological health workgroup, and forestry legislation workgroup. The Commission staff is participating in all three work groups, and meetings began in June and July. Ms. Ellis noted the forestry legislation group was formed to give participants a more well-rounded background on forestry regulation in New Jersey so that they can make more sensible proposals to Senator Smith. She added that the Commission is in a good position relative to other participants in the task force, thanks to its established forestry management practices.

Ms. Ellis said 62 proposals have been submitted to the task force as of July 5, with the submission period open through August 31. She mentioned that the Commission can put forth its own proposals if it decides. The climate work group has reviewed four proposals to date, primarily centered around funding. The ecological health work group is concerned about analyzing forestry management and reducing the deer population.

Ms. Ellis said the Commission had a Forest Advisory Committee in the early 1990s. Ms. Grogan added that the committee is occasionally reactivated whenever the Commission reassesses its rules. Ms. Ellis said there was a proposal to create a similar committee on a regional basis.

She shared another slide further clarifying the goals of the task force. The task force is seeking a consensus on forestry policy so that Senator Smith can draft new legislation that would apply



statewide. The area of concern includes the Pinelands, Highlands, and all state owned forest in New Jersey. She concluded by saying the Commission can determine whether it wants to send its own rules as a model for forestry policy to the task force and Senator Smith.

Ms. Grogan asked if a voting process had been suggested to determine which proposals to send to Senator Smith. Ms. Ellis said yes, but that it has not been completely defined yet. There are both private individuals and large groups like the Sierra Club represented on the task force, and a fair voting process that reflects all interests evenly has not been devised yet.

Commissioner Avery asked if the task force is trying to promote a single set of stewardship rules across the state or if they will make a distinction between the oak/pine forests in the Pinelands and the hardwood forests of northern New Jersey.

Ms. Ellis said no, and that the task force is largely concerned with clearing and cutting down trees and not necessarily forest types. It is a debate between those who are pro-forestation and those who may be interested in forested lands for other purposes.

Commissioner Avery asked if this was only applicable to state-owned lands or public lands. Ms. Ellis confirmed that it only applies to state-owned land. She added that a county representative in the workgroup meetings expressed concern that state policies would trickle down to the county and municipal level.

Commissioner Irick asked if any consideration was given to insect management in state forests. Ms. Ellis said that invasive species management has been high on the priority list, especially the Spotted Lanternfly and Southern Pine Beetle. There was a proposal for a task force to address invasive animal and plant species on state-owned lands.

Commissioner Irick said that deer are a real problem in the farm community, and some state laws prohibit culling of deer on state-owned lands. The New Jersey Farm Bureau has promoted more consumption of deer meat, but the state lacks the necessary slaughter facilities. The farm community would like to see greater control of the deer population and a stronger market for deer meat.

Ms. Grogan asked if there were any members of the Farm Bureau or agricultural community represented in the task force.

Ms. Ellis said she would have to look, but that there was a specific statement advocating for the culling of deer and growing the market for deer meat in New Jersey. One of the suggestions for funding was to add an additional dollar per driver on their insurance policy for deer accidents to promote deer reduction and/or forest conservation.

Chair Matos asked if there was any timeframe for the task force to provide recommendations to Senator Smith.

Ms. Ellis said she did not know, but that they are under strict time constraints. She said she would reach out to the task force for more information.

Commissioner Avery asked if the task force's inception had any relation to the prescribed burning bill.

Ms. Grogan said that bill was a few years ago, and that more recently there have been several forestry related legislative proposals.

Chair Matos added that there were several proposals, and that Senator Smith decided to take a more holistic approach.

Charles Horner, Director of Regulatory Programs, reviewed the Commission's existing forestry rules. He noted staff would be submitting suggestions to the task force on behalf of the Commission.

Mr. Horner shared a slideshow on the Pinelands Protection Act (attached). He clarified that today's discussion is focused only on state-owned public lands. He described the difference between the Preservation Area and the Protection Area in the Pinelands Act.

He presented additional slides detailing the goals of the Act with respect to both the Protection Area and the Preservation Area, emphasizing points that are most relevant to forestry management.

The Commission's current forestry policy on both private and public lands in the Pinelands Area is described in the CMP. Forestry is permitted throughout the Pinelands, whether the land is in public or private ownership. The CMP contains many prescriptions on forestry, ranging from endangered species to clear cutting.

Mr. Horner shared a slide of forestry recommendations from Commission staff. He said staff attempted to identify appropriate policies for the P&I Committee to consider what type of forestry should occur on state-owned lands. He expanded on some of the points on the slide, including allowing up to five acres to be cleared to create habitats for threatened and endangered (T&E) species.

Additionally, debate is ongoing whether tree clearing to prevent and control wildfires can be called forestry. Mr. Horner continued that there are several prescriptions for prescribed burning and that the Commission is not attempting to endorse any method.

Commissioner Irick said the Commission has received piecemeal information on prescribed burns and that it does not seem like there is a clear plan of action when applications are presented. He asked if there was any way the Commission could pursue development of a master plan for prescribed burns in the State Forests.

Mr. Horner said the Commission has been advocating for a comprehensive prescribed burn and forest fire fuel break plan since its inception. He said the Commission and the NJDEP would likely agree that this is a desirable goal. It has proven difficult in practice for the Commission to receive those plans from the NJDEP. Mr. Horner noted the Forest Stewardship Task Force received a suggestion to create an inventory of fire breaks.

Commissioner Irick asked if the staff is aware of where all the fire lanes are in the Pinelands Area. Mr. Horner said no. Commissioner Irick said the staff should determine where they are so that they can properly review applications.

Commissioner Avery noted stewardship of Atlantic white cedar sometimes necessitates herbicide use and asked if this would be allowed under the recommended forestry policies.

Mr. Horner said he thinks Commission staff would recommend that herbicides essential to restoring Pinelands species would be permissible in this instance. He added that it is not necessarily within the Commission's jurisdiction.

Commissioner Avery mentioned the prohibition on herbicides in the slideshow and pointed to a state restoration project in Double Trouble State Park that generated marginal success.

Chair Matos asked how the recommendations outlined in the slideshow would align with what representatives from other parts of the state would be looking for.

Mr. Horner suggested the Commission should proceed with recommending its own forestry policies in the Pinelands to the task force. Whether or not the task force proceeds with the forestry policies submitted by the Commission in other areas of the state is ultimately its own prerogative.

Commissioner Irick asked if the task force has discussed off-road vehicle (ORV) damage on state-owned lands.

Ms. Ellis said that it has not come up yet, but that the task force has not reviewed the full 62 proposals and she anticipates the issue will surface.

Ms. Grogan asked if the committees are reviewing every proposal that is submitted.

Ms. Ellis said yes, and that the task force has only been moving at a rate of two proposals per meeting. She added that the NJDEP has a 14-step forestry process for areas outside of the Pinelands National Reserve that takes stakeholder interest into account. She also thanked Mr. Leakan for assisting in her presentation.

Commissioner Avery asked if any other agencies have the same authority over state-owned land that the Pinelands Commission can exercise in the Pinelands, such as the Highlands Council.

Ms. Ellis said she is not sure if that applies to the Highlands Council, or if the Highlands Council has adopted similar forestry policies from the Commission.

Commissioner Avery asked if the NJDEP needs approval to perform forestry activities in the Council's area of responsibility.

Ms. Grogan said she does not know the specific process, but it is likely the Council is involved in reviewing forestry proposals.

Ms. Ellis added that the NJDEP would likely still have to move through the 14-step process to perform forestry in the Highlands region.

Commissioner Avery asked if there have ever been any proposals by the NJDEP to log any of the Pinelands.

Mr. Horner said yes, although there are some distinctions. The Commission has received proposals from the NJDEP to contract a commercial harvester who can log in the Pinelands Area.

Ms. Grogan said all Commissioners present at the meeting are encouraged to think about the Forestry Stewardship Task Force materials, as the topic will appear again at the August meeting.

## **5. Continued Discussion of FY23 P&I Committee work plan**

Ms. Grogan briefly reviewed the FY23 work plan that was presented at length in June. She talked about the discussion points from the last meeting and said there are very few tasks on the list that she views as optional or discretionary. Many of them are submitted to the Commission as ordinances and the agency is obligated to review them.

The CMP amendments are technically optional, and the Commission is not necessarily obligated to adopt them. She did not recommend removing any of the CMP amendments from the work plan. The Commission is monitoring the rulemaking activities of other agencies, including the NJDEP Protecting Against Climate Threat (PACT) rules, NJ Board of Public Utilities (BPU) Solar Act Rules, and State Agricultural Development Committee (SADC) Soil Disturbance Rules. She also mentioned Memoranda of Agreement (or MOAs), saying they are technically discretionary but address important concerns to counties and municipalities.

She shared a slide on other projects and initiatives, touching on Pinelands Conservation Fund (PCF) acquisitions, the Forest Stewardship Task Force, and all-terrain vehicle (ATV) damage in Wharton State Forest. She also said Commissioner Avery's "unanticipated" category should be included on the slide. She made no changes from the content of the slides since June. The work plan will be presented at the next Personnel and Budget Committee meeting in August.

Chair Matos said the list was incredible and said the list items should be prioritized for the work plan and the budget. It is not possible to work on all items at the same time and unanticipated projects can arise quickly.

Ms. Grogan noted that priorities can change throughout the year and Chair Matos added therefore some tasks do not get completed in their original timeframe.

Commissioner Irick asked which type of applications consume the most of Commission staff time. He mentioned Horizontal Directional Drilling (HDD) and asked if it would be possible to hire a consultant to review those applications and then charge the applicant for those fees.

Ms. Grogan said yes, the CMP allows staff to determine where an escrow payment may be required for review of a complicated issue or application. She said the Commission is waiting for the NJDEP to put out new climate change related rules that should include HDD standards. This will inform the Commission's decision-making process on regulating HDD.

Commissioner Irick said some consultants may know more about HDD than the NJDEP, and that the Commission could automatically pass those off to a consultant and charge the applicant.

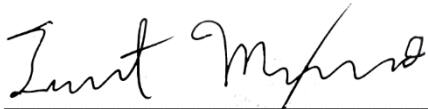
Mr. Horner said he and Ms. Grogan have been discussing how to prioritize staff time recently. By far, Commission staff receives more applications for single-family dwellings in the Pinelands Area than anything else. Staff spends a significant amount of time explaining zoning laws in New Jersey and Commission regulations to private landowners. Letters then need to be drafted and sent to explain the Commission's guidance and decisions. Mr. Horner said this is not meant to diminish HDD, solar facilities, landfill closures, or groundwater quality issues that Commission staff often handles.

## **6. Public Comment**

No public comment was received at the meeting.

Chair Matos closed public comment at 11:16 am and asked for a motion to adjourn the meeting. Commissioner Avery made the motion. Commissioner Irick seconded. All Commissioners voted in favor. The meeting was adjourned at 11:16 am.

Certified as true and correct:



Trent Maxwell, Planning Technical Assistant

Date: August 10, 2022

# Pemberton Township

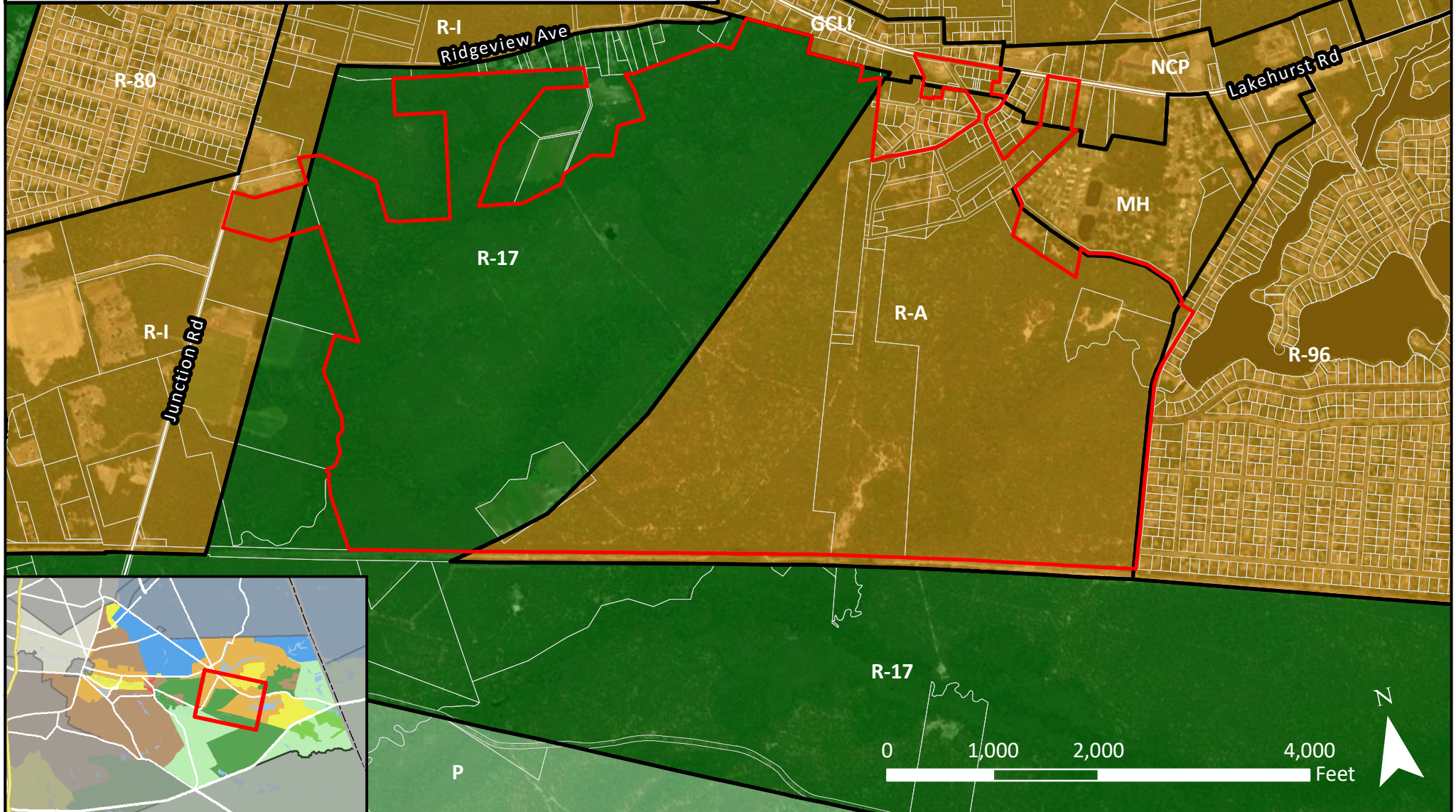
## Lakehurst Road Redevelopment Plan - Existing Zoning

### Pinelands Management Area

- Preservation Area District
- Forest Area
- Regional Growth Area
- Rural Development Area

- Redevelopment Area
- Existing Zoning
- Pemberton Twp Parcels

Executive Director's Report  
Pemberton Twp. Ord. 11-2022  
Exhibit 1  
7/29/2022



# Pemberton Township

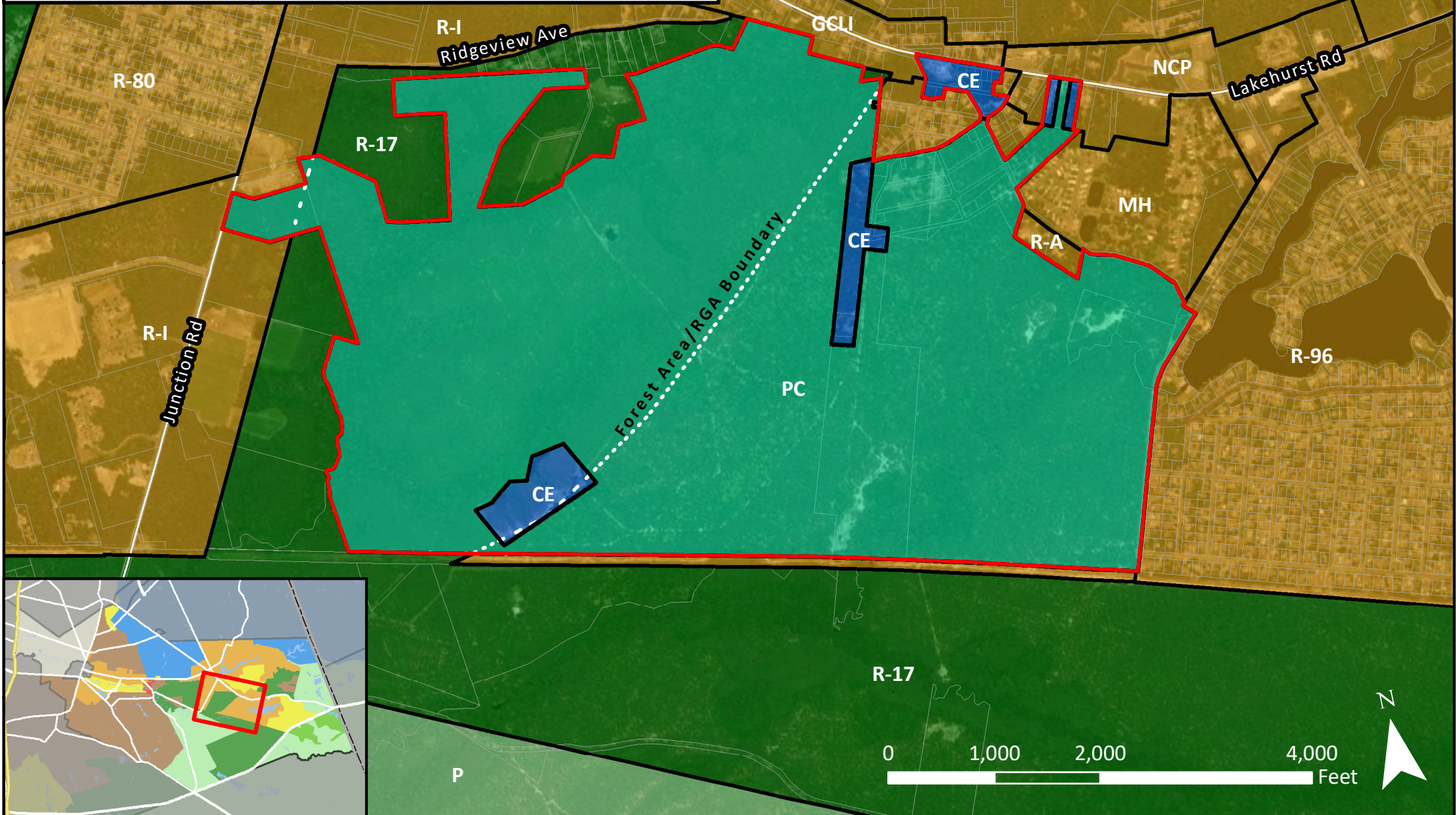
## Lakehurst Road Redevelopment Plan - Proposed Zoning

### Pinelands Management Area

- Preservation Area District
- Forest Area
- Regional Growth Area
- Rural Development Area

- Redevelopment Area
- Community Extension Zone
- Planned Community Zone
- Existing Zoning
- Pemberton Twp Parcels

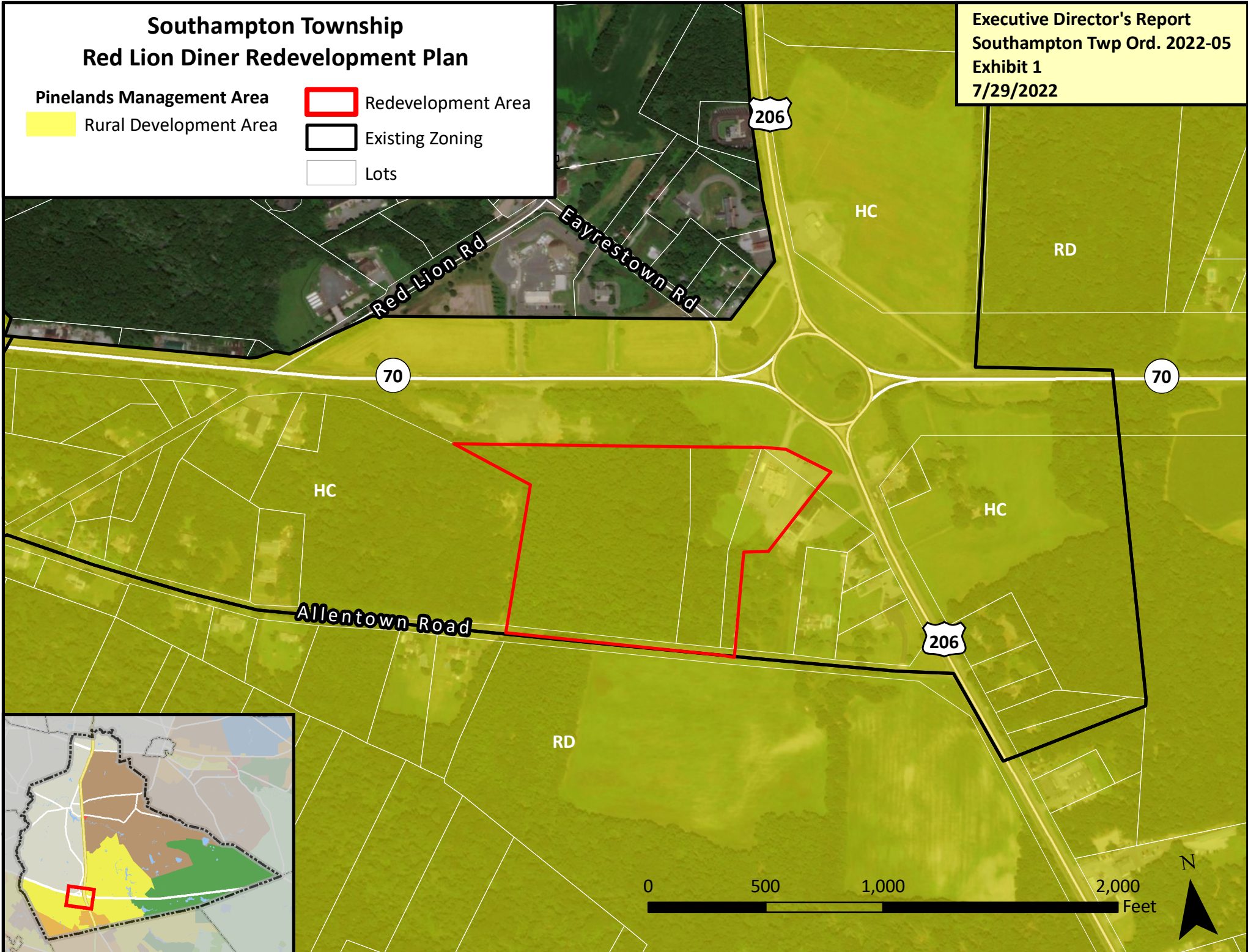
Executive Director's Report  
 Pemberton Twp. Ord. 11-2022  
 Exhibit 2  
 7/29/2022



# Southampton Township Red Lion Diner Redevelopment Plan

Executive Director's Report  
Southampton Twp Ord. 2022-05  
Exhibit 1  
7/29/2022

- Pinelands Management Area
- Rural Development Area
- Redevelopment Area
- Existing Zoning
- Lots







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

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

## MEMORANDUM

To: Members of the Policy and Implementation Committee

From: Gina A. Berg *gab*  
 Resource Planner

Date: August 5, 2022

Subject: Recommendations for the Pinelands Conservation Fund Land Acquisition Grant Program

In 2021, the Committee authorized a new round of land acquisition grants to be offered through the Pinelands Conservation Fund (PCF) and established a matrix for evaluating project proposals. For that round, only one project was submitted, and it did not score highly against the established evaluation matrix. Subsequently, the staff recommended in September 2021 that no grant should be awarded at that time and that a round using the same evaluation criteria should be launched in 2022.

At its meeting March 25, 2022, the Committee indicated that the round of acquisition grants could be re-launched. Staff sent out invitations to preservation partners in April with a submission deadline of July 15, 2022. The same project was proposed for funding, and it was the only project proposal received again this year. As discussed last year, the project does not rank highly against the evaluation criteria. In addition, it is already permanently preserved through Pinelands Development Credit severance. Therefore, staff recommends that this acquisition proposal should not be funded through PCF.

As we do not recommend the sole proposal for funding and as the available funding will grow again next year due to an additional payment from the South Jersey Transportation Authority, the staff is looking at new ways to encourage projects and participation. With the intention of increasing the potential for collaboration that might produce new, higher scoring projects, we are planning a half-day conference for late winter. The conference would rally preservation partners including state, county, municipal and non-governmental organizations to facilitate discussions around Pinelands land acquisition objectives and projects. Following that gathering, we would recommend that a new round of acquisition should be offered in spring of 2023.

Staff will return to the P&I Committee in 2023 with recommendations for a future funding round.



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THE PINELANDS COMMISSION  
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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)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## MEMORANDUM

To: Members of the Policy & Implementation Committee

From:  Stacey P. Roth, Chief, Legal & Legislative Affairs

Date: August 16, 2022

Subject: Atlantic County's Request for an Additional Extension of the Deadline to Complete Acquisition of Parcels to Address Secondary Impacts Associated with the Completion of Garden State Parkway Interchange 44

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At the August 26, 2022 Policy & Implementation Committee meeting, we will be discussing Atlantic County's request to further extend the deadline by which it must satisfy its obligations under the January 7, 2014 Secondary Impacts Agreement. This Agreement required the County to obviate the secondary impacts associated with the completion of Garden State Parkway Interchange 44. Specifically, the County was required to limit the development potential of parcels located within 1.5 miles of Interchange 44 (356 acres) within the Pinelands Area. From the outset, the County decided to acquire the 356 acres, rather than purchasing easements. As of August 15, 2022, the County has acquired all but 14 acres (342 out of 356 acres). A draft resolution to grant the County's extension request is included in the packet.



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

**NO. PC4-22-\_\_\_\_\_**

**TITLE:** To Authorize an Additional Extension of the Time Period for Atlantic County to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway

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

**WHEREAS**, on January 7, 2014, the Pinelands Commission (Commission) and Atlantic County (the County) entered into a Secondary Impacts Agreement (the Agreement) as a means of obviating the potential secondary impacts associated with the completion of Interchange 44 of the Garden State Parkway; and

**WHEREAS**, this Agreement obligated the County to limit the development potential of parcels located within 1.5 miles of Interchange 44 (356 acres) within the Pinelands Area; and

**WHEREAS**, the County had 3 years to obviate the secondary impacts within this 1.5 mile area, referred to in the Agreement as Tier 1; and

**WHEREAS**, the Agreement afforded the County the opportunity to request that the Executive Director extend the time period for completion of the County's obligations for a period of up to 18 months, upon the submission of documentation demonstrating that completion of the task to obviate secondary impacts in Tier 1 was imminent and would be completed within the extended time period; and

**WHEREAS**, the County has focused all of its efforts to obviate secondary impacts associated with the Interchange 44 project within Tier 1; and

**WHEREAS**, by letter dated March 5, 2020, the County advised the Commission that it had completed acquisition of 327 acres of lands within Tier 1 and would be closing on an additional 15 acres within the next thirty days, bringing the total amount of its acquisitions to 342 acres; and

**WHEREAS**, in that letter, the County also requested an additional extension to complete its acquisition of the remaining 29 acres required by the Agreement; and

**WHEREAS**, on May 8, 2020, the Pinelands Commission adopted Resolution PC4-20-14, granting the County a twenty-four (24) month extension from January 7, 2020 to January 7, 2022 to complete its obligations under the Agreement; and

**WHEREAS**, from March 9, 2020 through July 4, 2021, the State of New Jersey was under a public health emergency because of COVID-19; and

**WHEREAS**, by letter dated August 15, 2022, the County advised the Commission that it has acquired 342 of the 356 acres of lands within Tier 1 and requested an additional 12-month extension to complete acquisition of the 14 remaining acres; and

**WHEREAS**, the County noted that it had acquired the 15 acres of land within Tier 1 discussed in Resolution PC4-20-14 on December 20, 2020; and

**WHEREAS**, the County also advised that since the 2020 acquisition, it had continued its efforts to acquire the remaining 14 acres of land within Tier 1 to complete its obligation under the Agreement; and

**WHEREAS**, the County's efforts included identifying 110 privately held lots totaling approximately 95 acres for potential acquisition; sending letters of interest to the assessed owners of these lots; obtaining an appraisal for the overall parcel; and commencing title research on these lots; and

**WHEREAS**, based on landowner communications conducted to date, the County has executed agreements of sale with five (5) property owners, including the owner of a ten (10) acre lot; and

**WHEREAS**, the County anticipates closing on some of these lots prior to the end of the calendar year; and

**WHEREAS**, there are potential title issues associated with many of the lots that the County has identified for potential acquisition: and

**WHEREAS**, these title issues have complicated the County’s acquisition process; and

**WHEREAS**, on July 5, 2022, the Atlantic County Board of Commissioners adopted Ordinance #7 of 2022, which authorizes the acquisition of the 110 lots either through negotiation or the use of eminent domain for those lots where clear title cannot be established; and

**WHEREAS**, the extension granted by Resolution PC4-20-14 expired on January 7, 2022; and

**WHEREAS**, the Agreement contains a provision that requires the County to pay an amount equal to fair market value of any acreage that it fails to acquire within Tier 1 within six years from the effective date of the Agreement (January 7, 2020), to a non-profit, government entity or university or college to undertake the acquisition of Pinelands Development Credits from agricultural lands or other projects, including land acquisition, to improve water quality within the boundaries of Tiers 1 through 3 in Atlantic County; and

**WHEREAS**, the Commission believes it is preferable to allow the County to complete its acquisition of the remaining 14 acres rather than having the County provide funds to a non-profit, governmental entity or university for that purpose, given the County’s diligent effort to date to complete its obligations under the Agreement; 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 Commission grants Atlantic County an additional extension from January 7, 2022 until September 7, 2023 to acquire the remaining 14 acres within Tier 1 to satisfy its obligations under the Secondary Impacts Agreement.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Wallner				
Irick					McCurry					Matos				
Jannarone					Meade									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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

\_\_\_\_\_  
 Laura E. Matos  
 Chair



# Atlantic County

## Department of Regional Planning and Development

Dennis Levinson  
County Executive

John Peterson  
Department Head

Division of Planning  
609/645-5898 FAX: 609/645-5836  
TDD: 348-5551

Division of Engineering  
609/645-5898 FAX: 609/645-5964

Office of GIS

August 15, 2022

Susan Grogan, Acting Executive Director  
NJ Pinelands Commission  
PO Box 359  
15 Springfield Road  
New Lisbon, New Jersey 08064

RE: GSP Interchange 44, Galloway Twp. – Secondary Impacts Agreement

Dear Ms. Grogan,

Please accept this letter as a request to extend the agreement between Atlantic County and the NJ Pinelands Commission, previously executed in connection with the NJ Turnpike Authority's expansion of Interchange 44 of the Garden State Parkway. To date, Atlantic County has acquired most of the land required to satisfy the requirements of that agreement, including the purchase of 342 of 356 acres of land within the Tier 1 area targeted for preservation. Since the time of our last update, the County acquired 15 acres in December of 2020, with 14 acres remaining to satisfy the terms of the agreement.

Following the 2020 purchase, the County continued its pursuit of lands within the Tier 1 target area. Approximately 110 privately held lots are now being targeted for acquisition, totaling 95 acres, more or less. Letters of interest were sent out in 2021 to the assessed owners of the lots, with some positive initial response. An appraisal report was obtained for the overall parcel to determine value. Title research is currently underway for all of the lots. Based on landowner communications to date, it is anticipated that the County will be able to proceed with closing on some lots prior to the end of the year. We have received signed Agreements of Sale from 5 owners, including one 10-acre lot. Unfortunately, it also appears that there may be title issues impacting many of these lots, which has complicated the acquisition process.

On July 5<sup>th</sup>, the Atlantic County Board of Commissioners adopted Ordinance #7 of 2022, which authorizes acquisition of the 110 lots. The Ordinance allows for the County to purchase the lots via negotiations or Eminent Domain action (mostly in cases where clear title cannot be established). Formal offer packages are being developed for those owners who did not respond to our initial outreach, and will be based on the results of our title research.



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Based on our progress to date and our ongoing commitment to purchase and preserve the remaining acreage, we respectfully request the Commission's consideration of a 12-month extension of time to complete this project.

The Commission's consideration of this request is greatly appreciated. If you or your staff have any questions regarding this request or the County's progress to date, please feel free to contact me at 609-645-5898. Thank you.

Respectfully,



Ranae L. Fehr, PP, AICP, CPM  
Acting Department Head

cc: Stacey Roth, Esq., Chief, Legal and Legislative Affairs, NJ Pinelands Commission



## State of New Jersey

THE PINELANDS COMMISSION

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

### **MEMORANDUM**

To: Members of the Policy and Implementation Committee

From: Charles M. Horner, P.P.  
Director, Regulatory Programs

Branwen Ellis   
Environmental Specialist

Date: August 18, 2022

Subject: Forestry Policies for State Owned Lands in the Pinelands Area

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This memorandum identifies forestry policies that Committee members may wish to consider recommending to the New Jersey Forest Stewardship Task Force for State owned lands in the Pinelands Area. The purpose of this memorandum is to facilitate Committee member discussion.

The second page of the memorandum provides important language from the Pinelands Protection Act. Providing an overview of the goals of the Pinelands Protection Act, particularly the different goals of the Act with respect to the Pinelands Protection Area and the Pinelands Preservation Area, will hopefully facilitate the discussion of forestry policies for State owned lands in the Pinelands Area. For reference, the State owns nearly 365,000 acres of land in the Pinelands Area, including State Forests, Wildlife Management Areas and other open space lands. Approximately two-thirds of this acreage is located in the Pinelands Preservation Area. The remaining third is located primarily in the Pinelands Forest Area, which is within the Pinelands Protection Area.

The third page of this memorandum identifies the specific forestry policies that the Committee may wish to consider recommending to the New Jersey Forest Stewardship Task Force.

Please note that the identified forestry policies are limited to the matters that the Commission regulates. For example, the Commission does not regulate hunting or fishing or directly regulate offroad vehicle usage in the Pinelands Area. Accordingly, the staff has not recommended forestry policies relative to deer management or offroad vehicle usage.

It is important to reiterate that the identified forestry policies only pertain to State owned lands in the Pinelands Area. We look forward to the Committee's discussion.

## THE PINELANDS PROTECTION ACT

The Pinelands Protection Act (13:18A-9.) provides that the goals of the Pinelands Comprehensive Management Plan (CMP) with respect to the entire Pinelands Area shall be to protect, preserve and enhance the significant values of the resources thereof...

The Pinelands Protection Act delineates the approximately one million acre Pinelands Area. The Pinelands Protection Act geographically divides the Pinelands Area into the Pinelands Protection Area and the Pinelands Preservation Area.

The goals of the Pinelands Protection Act with respect to the Pinelands Protection Area are:

- (1) Preserve and maintain the essential character of the existing pinelands environment, including the plant and animal species indigenous thereto and the habitat therefor;
- (2) Protect and maintain the quality of surface and ground waters;
- (3) Promote the continuation and expansion of agricultural and horticultural uses;
- (4) Discourage piecemeal and scattered development; and
- (5) Encourage appropriate patterns of compatible residential, commercial and industrial development, in or adjacent to areas already utilized for such purposes, in order to accommodate regional growth influences in an orderly way while protecting the pinelands environment from the individual and cumulative adverse impacts thereof.

The goals of the Pinelands Protection Act with respect to the Pinelands Preservation Area are:

- (1) Preserve an extensive and contiguous area of land in its natural state, thereby ensuring the continuation of a pinelands environment which contains the unique and significant ecological and other resources representative of the Pinelands Area;
- (2) Promote compatible agricultural, horticultural and recreational uses, including hunting, fishing and trapping, within the framework of maintaining a Pinelands environment;
- (3) Prohibit any construction or development which is incompatible with the preservation of this unique area;
- (4) Provide a sufficient amount of undeveloped land to accommodate specific wilderness management practices, such as selective burning, which are necessary to maintain the special ecology of the preservation area; and
- (5) Protect and preserve the quantity and quality of existing surface and ground waters.



### Recommended Forestry Policy for State Owned Lands in the Pinelands Area

The Commission's current forestry policies for both public and private lands in the Pinelands Area are reflected in the forestry regulations contained in the Pinelands Comprehensive Management Plan (CMP). The forestry regulations contained in the CMP allow for forestry throughout the entire Pinelands Area, in wetlands and uplands, and make little distinction between forestry practices on private lands and public lands.

The below recommended forestry policies for State owned lands in the Pinelands Area are more restrictive than the forestry regulations currently contained in the CMP. For example, the CMP allows for clear cutting on all privately and publicly owned lands in the Pinelands Area. In addition, the CMP permits commercial forestry on privately and publicly owned lands in the Pinelands Area. It should be noted that clear cutting or commercial forestry on publicly owned lands is rarely proposed in the Pinelands Area.

Based upon the goals of the Pinelands Protection Act, the Committee may wish to consider recommending to the New Jersey Forest Stewardship Task Force the following forestry policies for State owned lands in the Pinelands Area:

1. Allow forestry that eliminates invasive tree and plant species.
2. Allow forestry that restores Atlantic white cedar.
3. Allow forestry that improves threatened and endangered plant and animal habitat.
4. Allow forestry that addresses insect infestation.
5. Unless proposed to accomplish 1, 2, 3 or 4 above, prohibit clear cutting or comparable forestry techniques.
6. Allow tree removal necessary to protect public safety from wildfire.
7. Allow prescribed burning conditioned upon environmentally based guidelines.
8. Except as necessary for the restoration of Atlantic white cedar, prohibit of the use of herbicides for forestry.
9. Require that all forestry activities result in maintenance of native Pinelands Forest types.
10. Prohibit all other types of forestry. (This means that commercial forestry or thinning of a forest not intended to accomplish one of the above goals would not be permitted.)
11. Require or encourage preparation of Conceptual Forestry Master Plan(s) for State owned lands in the Pinelands Area.