

Disclaimer

These minutes reflect the actions taken by the Commission during its June 12, 2026 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on June 18, 2026.

PINELANDS COMMISSION MEETING

MINUTES
June 12, 2026

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=jsDWKneOguY>

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., Deborah Buzby-Cope, Jerome H. Irick, Mark Lohbauer, Gaetano Matro, Mark Mauriello, Jonathan Meade, William Pikolycky, Ryck Signor, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jay Stypinski and Governor's Authorities Unit representative Azeem Chaudry.

Commissioners Absent

Theresa Lettman, Jessica Rittler Sanchez and Douglas Wallner.

Call to Order

Chair Matos called the meeting to order at 9:34 a.m.

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

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's May 8, 2026 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the May 8, 2026 Commission meeting were adopted by a vote of 11 to 0.

Honoring Commissioner Theodore (Ted) Gordon

Chair Matos read a resolution that characterised Mr. Gordon's significant contributions in creating awareness of the Pinelands.

Commissioner Avery made a motion Honoring the late Theodore (Ted) Gordon for his service as a member of the New Jersey Pinelands Commission from January 15, 1999 to October 10, 2002 and for his efforts to raise awareness and appreciation of the Pinelands (See Resolution # PC4-26-12). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 11 to 0.

Committee Reports

Chair Matos provided a summary of the May 29, 2026 Policy and Implementation Committee meeting:

The Committee approved the minutes of the April 24, 2026, meeting.

The Executive Director introduced two presentations on implementation of the New Jersey Department of Environmental Protection's (NJDEP) adopted Resilient Environments and Landscapes (REAL) rule package within the Pinelands. She noted that the NJDEP was anticipating a proposed amendment delaying rule implementation. The first presentation focused on the impact of the rules on the review of various permits under old Memoranda of Agreement. The second presentation explained the changes to the stormwater management standards that will affect development applications in the Pinelands Area.

Note: The NJDEP proposed rule amendment was published June 2nd, delaying implementation of the REAL rules until July 20, 2027. This provides additional time to consider how the Commission will move forward to address the issues outlined in the presentations.

Executive Director's Report

ED Grogan provided information on the following matters:

- The Fenwick Manor project continues to move forward. The contract between the Commission and Hawley Bros. was officially executed. A pre-construction meeting was held on May 19th with the contractor, the historic architect and the NJ Historic Trust. It is expected that the Department of Community Affairs (DCA) will issue the construction

permit next week, at which point the notice to proceed can be issued and the 150-day construction period begins. Movers were hired to move furniture out of Fenwick Manor and into the storage container.

- Two quotes for outside accounting services were received in response to a Request for Quotation (RFQ) and are under review. The accounting firm will assist with future audits. The quotes will be discussed at the upcoming Personnel & Budget Committee scheduled for Tuesday, June 30th. Also scheduled for discussion at that meeting are preliminary budget figures and application fee projections.
- Staff participated in two interesting discussions related to the Pinelands Development Credit (PDC) program. Most recently, staff spoke with a Kings County representative from Washington State, where a very successful Transfer of Development Rights (TDR) program is in operation. One of the individuals who manages that TDR program is writing a book about other successful TDR programs and they had a lot of good questions for us. We had an opportunity to ask some questions of them because their program is different and more complicated than ours. Prior to that staff held a remote meeting with a number of planners and policy makers from New South Wales, Australia. They are interested in creating a TDR program as a way of encouraging people who live in existing homes in vulnerable areas, specifically wildfire prone areas, to leave their homes and build new homes elsewhere. They are trying to determine if a TDR program could be established to facilitate this goal.
- Arya Shen, the Commission's intern from the Rutgers Scarlet Service Internship (RSSI) program was introduced. She will be working in the Commission's Information Systems office and is expected to graduate from Rutgers in June of 2028 with a Bachelor of Science degree in computer science.

Gina Berg, Director of Land Use Programs, provided an update on the following matters:

- A preview of the agenda for the upcoming June 26th P&I Committee meeting was shared:
 - A representative from the Pinelands Alliance will be providing a project update on the Pemberton Accessible Trail project that was permitted through a Memorandum of Agreement process (MOA).
 - A presentation on Manchester Township's Amended Housing Element and Fair Share Plan and Ordinances 26-23, 26-24 and 26-31
 - Discussion on an amendment to the Pinelands Infrastructure Trust Fund ranking and funding structure.
- The State Agriculture Development Committee (SADC) is in the process of implementing a woodland easement program. Staff met with SADC staff in early May and discussed forestry application standards in the Pinelands Area, environmental values of forested lands, and mapping or other data that could be used to establish before and after easement land values.

- Staff also met with NJDEP's well permitting office to discuss ways in which the Commission and NJDEP can improve its coordination when a well application needs a Certificate of Filing (CF) from the Commission.
- Upgrades to the Commission's internal application review system continue to make progress and we anticipate being ready to launch a version of the internal system within the upcoming year.

In Chief Planner Brad Lanute's absence, Director Berg provided an update on Data Centers:

The Town of Hammonton requested a Commission staff member to attend their June 22nd Town Council meeting to discuss the Commission's position on data centers. Mr. Lanute spoke with the Town Solicitor and provided a summary of how the CMP would regulate the development of data centers in the Pinelands. The Pinelands Town management area is one of the few places in the Pinelands where they could be permitted. Hammonton's current zoning ordinance does not permit data centers. The Town is not inclined to adopt any express prohibitions at this time. Hammonton has decided to postpone that agenda item.

At the end of May, Winslow Township submitted an ordinance prohibiting data centers within the Pinelands portion of the municipality. And on June 2nd, staff sent letter informing Winslow that the ordinance raised no substantial issues with respect to the CMP and could take effect. Lastly, both Hamilton Township and Lacey Township are considering adoption of ordinances related to data centers. Hamilton would propose banning data centers. It's not clear yet what Lacey is considering.

April Field, Acting Director of Regulatory Programs, provided information on the following regulatory matters:

- Staff recently met with NJDEP enforcement staff to reacquaint each agency with various procedures and ensure better coordination, specifically with wetlands violations in the Pinelands Area.
- At the Commission's April P&I Committee meeting, a member of the public raised concerns about a residential development application in Egg Harbor Township and the impact it could have on environmental resources. The Commission issued a Certificate of Filing (CF) in March of 2026 for an application that proposes the development of 63 single family dwellings. That application is now before the municipal Planning Board. The member of the public requested the Commission to step in and act with regard to some of the environmental concerns. At this stage, it would be inappropriate for the Commission staff to get involved in the Township's review process. Should the Township issue a major subdivision approval, Commission staff would review the township approval, any changes to the project that were made at the township level and any concerns submitted in writing and verbally by public. Based on that review, the staff will make a decision as to whether or not the proposed development is consistent with our rules and whether or not the permit can take effect.

- In December of 2024, staff issued a CF for the development of two large warehouses in Monroe Township (Hexa Builders). The project will be located primarily in the Regional Growth Area and will be served by public water and sewer. In February of 2026, the Township issued a preliminary site plan approval for the two warehouse buildings. Then in April of 2026, staff received an email from the applicant asking whether a proposed data center and warehouse could be constructed on the parcel instead of the two warehouses. Staff advised the applicant that such a change of use would require an amended CF from the Commission. The applicant then submitted an application for an amended CF which is currently under review. By letter dated May 18, 2026, the applicant's attorney submitted an appeal of the staff's determination that an Amended CF was necessary. On June 4, 2026, staff advised that the CMP provides the right of appeal for certain decisions of the Executive Director, such as Waivers, Public Development Approvals and Letters of Interpretation. However, the CMP does not provide the right of appeal for decisions regarding whether an application to the Commission is required. Therefore, there is no right of appeal for the decision.
- The Commission has received a great deal of public interest in a parcel in Franklin Township where 50 acres have been cleared. The parcel is located in a Pinelands Agricultural Production Area. Some of the clearing occurred within a 300-foot buffer to wetlands. The property owner indicated that the clearing was done to establish a horticulture use on the property. There's already an existing tree farm on the property and the property owner indicated that he plans to plant native Pinelands plant species in the cleared area. The CMP contains a provision that clearing exclusively for agriculture does not require application to the Commission. The CMP also contains a provision that indicates that clearing in wetlands or wetland buffers is permitted for both berry agriculture (blueberries and cranberries) or native Pinelands horticulture. By letter dated May 20, 2026, the staff advised that, based upon the regulations contained in the Township land use ordinance and the CMP, the clearing of land to establish a horticultural use did not require application to the Commission. The staff's letter also indicated horticulture of native Pinelands tree species may be permitted within a required buffer to wetlands. The staff requested information from the property owner providing a timeframe for establishment of the proposed horticultural use.
- Sweet Amalia is a restaurant in Franklin Township that was established in a former farm market without application to the Commission. The main issue is the restaurant is served by a septic system on a 2.6 acre parcel. Staff has been working with the applicant and the applicant's consultants to determine whether the proposed use meets the CMP's groundwater quality standards with regard to dilution of the nitrates from the wastewater of the septic system. The applicant is proposing to address those standards by removing a commercial (ice cream stand) use on an adjacent parcel. By doing this the wastewater flows from the overall parcel will decrease. The Commission received wastewater calculations and sent a letter to the applicants in mid-May and advised them that provided they reduce the number of days of operation of the restaurant from 298 days to 251, the proposed restaurant and outdoor seating patio could meet groundwater standards. The applicant advised Commission staff that they thought that the reduced days of operation will be feasible.

Commissioner Asselta asked if the restaurant is currently open. He noted that he has watched the former farm market change to the restaurant and has even eaten there.

Acting Director Field said the restaurant is not open. She said they are working out issues with the health department and Township.

Commissioner Asselta asked if the Township has been honest with the Commission as to how the matter originated.

Acting Director Field said there is a long history at the Township with this application. She noted some of the employees at the Township who were involved are no longer employees. The Township responded to our most recent letter by advising the Commission that the custard stand use was not considered to be abandoned and that the application would require municipal site plan approval.

Stacey Roth, Chief, Legal and Legislative Affairs, said the Artistic Materials trial originally scheduled to begin on June 2nd has been rescheduled for September. She said motions in limine have been filed on behalf of both parties, and are being heard today, in an attempt to limit testimony or evidence that may be presented at trial.

Paul Leakan, Communications Officer, said he will be representing the Pinelands Biosphere Region during the U.S. Biosphere Network's summit in Colorado later this month. During the summit, representatives from various U.S. Biospheres will share successes and challenges. Mr. Leakan said that he will give a talk on education and outreach.

Mr. Leakan also provided details about the Commission's upcoming Pinelands Speaker Series programs, which will start with a presentation on ticks on June 18th.

Lastly, Mr. Leakan noted that the Commission's bog garden is now 11 years old. He said the bog garden is an important part of the Commission's efforts to educate the public about the Pinelands, and he encouraged attendees to see the various plants that are currently in bloom in the garden.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution recommending approval of three public development applications: construction of a building addition to the Mullica Township Municipal Building; the replacement of a bridge and dam over Egg Harbor City Lake; and the installation of 960 linear feet of sanitary sewer force main within the Delilah Road right-of-way in Egg Harbor Township.

Commissioner Buzby-Cope made a motion Approving With Conditions Applications for Public Development (Application Numbers 1991-0320.006, 2019-0060.001 & 2020-0085.002) (See Resolution # PC4-26-13). Commissioner Pikolycky seconded the motion.

Ernest Deman of the Regulatory Programs office said Mullica Township is proposing the construction of a 3,300 square foot building addition to the existing municipal building. Currently, the police department occupies the basement of the municipal building. That basement has had mold issues. Once the addition is constructed the basement will only be used for storage. He said in September 2024, the Commission approved the construction of a standalone building for the police department. It was later determined that the cost of that building was too expensive to complete.

Mr. Deman said the next application is from the Atlantic County Department of Regional Planning and Development for the replacement of the Route 563 bridge and dam at the Egg Harbor City Lake. The county has determined that the existing bridge and dam are in poor condition and need replacement. The bridge is currently a two-lane bridge and 50 foot wide. It will be replaced in kind. The dam is currently a timber dam underneath the roadway that will be replaced with a sheet pile dam in the lake. The lake will maintain the current water elevation.

The final application on this resolution proposes 960 linear feet of sanitary sewer main, 940 feet of which will be under pavement. The remaining 20 feet will be in the grass shoulder in Egg Harbor Township.

The resolution was adopted by a vote of 11 to 0.

Resolution to Retire into Closed Session

DAG Stypinski read a resolution to go into closed session so the Commission could receive legal advice.

Commissioner Pikolycky made a motion to enter into closed session. Commissioner Lohbauer seconded the motion. All Commissioners were in favor of the motion. The Commission entered into closed session at 10:13 a.m.

Return to Open Session

The Commission returned to open session at 10:45 a.m. DAG Stypinski said that during closed session, legal advice was provided to the Commission related to Burlington County's roundabout application.

Chair Matos introduced a resolution recommending approval of Burlington County's application for the construction of a roundabout in Shamong Township.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development (Application Number 2001-0430.005) (See Resolution # PC4-26-14). Commissioner Buzby-Cope seconded the motion.

Mr. Deman said staff has reviewed an application for the construction of a traffic circle, also known as a roundabout, at the intersection of Stokes Road and Willow Grove Road in Shamong Township. An aerial (attached) was displayed. Currently this is a two-way intersection with stop

signs on Willow Grove Road. The Commission staff reviewed the application for all applicable standards of the CMP. Specifically, the applicant proposes to construct three stormwater infiltration basins to meet stormwater management standards. A cultural resource survey was conducted. He said that survey determined that there were no significant cultural resources within the project area. Lastly, as depicted on the aerial photograph, the majority of the development area will be located over existing paved areas and maintained grass. In addition, a stormwater basin will be located in the agricultural field at the southeast corner of the intersection.

ED Grogan asked if there are any wetlands in the project area.

Mr. Deman said there are no wetlands within 300 feet of the project area.

ED Grogan asked if there are any threatened and endangered species in the vicinity of the project.

Mr. Deman said there is no suitable habitat for any species.

Chair Matos said joining us today is Burlington County's Engineer Joseph Brickley.

ED Grogan requested that Mr. Brickley provide information on the traffic study and the analysis that was done and how that led to the County's determination that the roundabout is the best approach for the intersection.

Mr. Brickley said the project was funded through the Delaware Valley Regional Planning Commission (DVRPC). This project came about, after an analysis of the top 10 most hazardous intersections in Burlington County. He said the Stokes Road intersection ranks about seventh. He said from that evaluation, the Highway Safety Improvement Program (H-SIP) reviewed safety countermeasures for those intersections. He said the safety countermeasure that's being deployed is a modern roundabout. He said as part of that design process and conceptual review, traffic studies were performed. He said the traffic study was done in advance of the closure of Atco Raceway, but that is a separate matter. He said the underlying driving force of this project is that it's a low volume, high crash intersection. He said for the amount of cars that go through the intersection, there are too many crashes, mainly right angle crashes. He said in the County's response letter, data obtained from the Burlington County 911 Center was provided. They dispatch emergency services to that intersection. He said that information available from the state was also provided. He said based on the information received from the state, the closure of Atco Raceway has not impacted the intersection in a positive way. Accidents are still occurring. Should Atco Raceway ever be redeveloped, there would be an increase in traffic. This safety countermeasure, due to its ability to handle a large volume of cars, would still be completely applicable. He said questions regarding adding an additional signal or adding a blinking light, or adding a stop control, are all traffic control measures. They are not safety countermeasures. Based on evidence, drivers are not paying attention to stop signs. He said blinking lights were deployed to the intersection in 2019 or 2021 and they have not worked. Accident data from 2024 showed the highest amount of crashes.

Mr. Brickley said the process for the roundabout has taken longer than usual because of the COVID-19 pandemic as well as the need for a cultural resource survey, but the standard of care has been applied throughout. He said Burlington County currently has six functioning roundabouts. He said this will be a single lane roundabout and drivers will be able to see from side to side. It will have mountable curbs and farm equipment will be able to negotiate the roundabout. This is a federal project which has been reviewed by the Department of Transportation, and a permit has been issued.

Commissioner Irick requested to see a detail of the roundabout.

Mr. Deman displayed the plan submitted by the County (See attached). He said it is without context because it does not show the existing development.

Commissioner Irick said it is his understanding that there will be three large infiltration basins, three-quarters of a mile of paving and an undisclosed amount of taking of private property. He asked whether the county had determined how much private property would be taken?

Mr. Brickley said not very much land will be taken. He said the property that will be most impacted is the agricultural area and the county has been in contact with that property owner. That property owner was just in front of the County Planning Board recently. Their application was approved.

Commissioner Irick asked if the speed limit leading into the intersection were reduced, does the county believe the number of right-angle crashes would decrease?

Mr. Brickley said no, that's not a consideration for reduction of right-angle crashes.

Commissioner Irick asked what efforts the County has made to reduce the speed on Stokes Road.

Mr. Brickley said speed determination is either statutory or based on a speed survey and that is why this safety countermeasure is so applicable here. He said modern roundabouts make it difficult to misjudge speed and distance. The geometry of a roundabout is why they're so effective. In a normal two-lane, two-way, four-way stop intersection, there are 32 points of conflict. In a modern roundabout, there's only eight. He said should a crash happen, it would occur at a low speed. The County will install signage leading up to the roundabout, cautioning drivers to reduce their speed.

Commissioner Buzby-Cope said in exhibit B that was included in the packet there is an image of a light at the center of the intersection.

Mr. Brickley said that is the roundabout located on Route 528 and Old York Road in Chesterfield Township. He said there was a school bus accident at that intersection many years ago where a child died. There had been plans to install the roundabout all along at that location and the tragedy sped up the process. The roundabout in Chesterfield is very similar to the proposed roundabout in Shamong.

With no further questions, Chair Matos requested a roll call vote.

The resolution was adopted by a vote of 11 to 0. Commissioner Irick said he remained disappointed that more efforts weren't made to decrease the speed on Stokes Road.

Public Comment on Development Applications and Items Where the Record is Open

No one from the public provided comment.

Ordinances Not Requiring Commission Action

Director Berg said during past month, the Land Use Programs office reviewed 12 ordinances and three housing element and fair share plans. All of them had no substantial issues with respect to the standards of the CMP. Nine of the 12 ordinances were related to affordable housing requirements. The only notable ordinance is the Hammonton Landfill Redevelopment Plan. That Redevelopment Plan consists of four lots totaling about 128 acres. The redevelopment area contains the site of a former municipal landfill that ceased operations on August 8, 1990. The site is located in the Pinelands Forest Area. The purpose of the redevelopment plan is to facilitate closure of the former municipal landfill and the development of a solar energy facility. In November 2025, staff informed the town that the original redevelopment plan that had been adopted by ordinance 012-2025 was not consistent with the standards of the CMP. Staff then provided extensive model language to resolve those inconsistencies. The Town incorporated all of the staff's draft language in the amended Redevelopment Plan and that's why it was included in the no substantial issue memo.

Other Resolutions

Chair Matos introduced a resolution, considered by the Commission annually, that will allow the staff to make purchases until the Commission adopts a new budget.

Commissioner Avery made a motion To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2027 at the Same Level of Expenditures as Fiscal Year 2026 until the Adoption of the Fiscal Year 2027 Budgets (See Resolution # PC4-26-15). Commissioner Lohbauer seconded the motion.

ED Grogan said every June this resolution is adopted by the Commission to allow staff to continue normal business. It is expected that the FY2027 budgets will be adopted by the full Commission in September.

The resolution was adopted by a vote of 11 to 0.

Chair Matos said that the Annual Update on Memoranda of Agreement would be postponed to the July Commission meeting.

General Public Comment

Fred Akers from the Great Egg Harbor Watershed Association said that on May 20th legislators in Congress introduced a study bill for the potential designation of the Mullica River as a Wild and Scenic River (see attached handout). He said the other side of the handout includes a quote by Terry Moore (the Commission's first Executive Director) when the study bill for the Great Egg Harbor River was heard by the committee in 1986. He said the Great Egg Harbor River was designated as a Wild and Scenic River in 1992. Today, there are 18 rivers in 10 states modeled after New Jersey that have wild and scenic rivers that are on federal lands but managed by local people. He said it could take two years for Congress to pass the Bill and the President to sign it. He said eventually the designation would need local participation and he shared some experiences that his Association has been involved in, that included trying to bring the River Herring back and passing local ordinances to control plastic saw dust.

Michelle Forman, Pemberton Township resident, said she would be getting in touch with the Pine Barrens Tribune about how the county representatives treated the residents who attended today's meeting but were not permitted to provide public comment on the roundabout application. She thanked Commissioner Irick for pressing the county about how much land will be taken from property owners for the roundabout. She raised concern about the trees that have been removed in association with the demolition of the old Acme plaza in Browns Mills and was curious if Pinelands Development Credits were involved. She said she was very upset that the trees have been cut down.

Secretary's Note: Public Comment for Burlington County's Roundabout application closed on May 8, 2026 at 5:00 p.m.

Mark Pesotski, Monroe Township resident, provided comment on the following three matters related to the Hexa Builders site. He said the Township's 2019 Rehabilitation designation of the Hexa parcel is invalid, which makes the subsequent Redevelopment designation invalid. He said there was no alternative site analysis completed as required by the CMP. Finally, he said that his June 1, 2026 Open Public Records Act (OPRA) request to the Commission was mishandled. See attached written comments.

Heidi Yeh, Pinelands Alliance, said the Alliance supports the Great Egg Harbor Watershed Association in the designation of the Mullica River as a Wild and Scenic River. She thanked the Pinelands Commission for their support. She said the Mullica River is a very special place that deserves recognition. She said it will unlock federal funds and facilitate cooperation between local municipalities. She said tree removal is one of the most common complaints that the Alliance receives from residents. She encouraged the Pinelands Commission to return to the recommendation that the Alliance gave to the now defunct Climate Committee on adoption of a no net loss of trees policy. She suggested a tree inventory of the Pinelands to assess the large reservoirs of carbon that are currently in forests.

Janine Geiss, Monroe Township suggested that staff not use acronyms. She had questions about updates provided during the meeting related to data centers and said she would email her questions in writing or re-listen to the YouTube video.

Resolution to Retire into Closed Session- Part 2

DAG Stypinski read a resolution to enter into closed session to discuss a litigation matter.

Commissioner Pikolycky made a motion to enter into closed session. Commissioner Buzby-Cope seconded the motion. All were in favor.

The Commission entered into closed session at 11:45 a.m.

Return to Open Session

The Commission returned to open session at 11:53 a.m.

Commissioner Matro recused himself from the discussion and left the dais.

DAG Stypinski said that during the closed session, Commissioners were briefed on a litigation matter that is being pursued by the State Agriculture Development Committee (SADC) against Pleasantdale Farms, LLC in Hammonton.

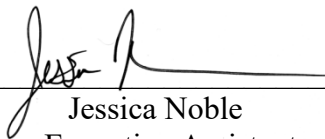
Chair Matos requested an oral motion for the Commission to support and join SADC in its litigation against Pleasantdale Farms. Commissioner Pikolycky made a motion to join the litigation. The motion was seconded by Commissioner Lohbauer. The oral motion passed by a vote of 10 to 0.

Commissioner Matro returned to the meeting.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Buzby-Cope seconded the motion. The Commission agreed to adjourn at 11:56 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: June 18, 2026



Conaway, Van Drew, Kim, Booker Introduce Bicameral Legislation to Conserve New Jersey's Mullica River

May 20, 2026

[Press Release](#)

Washington, D.C.— Today, Congressman Herb Conaway Jr., MD led Rep. Jeff Van Drew and Senators Andy Kim and Cory Booker in introducing the Mullica River Watershed Wild and Scenic River Study Act of 2026. This bipartisan bill would designate the Mullica River in New Jersey for study for potential designation as a wild and scenic river, allowing for increased conservation efforts.

The Mullica River—stretching over 55 miles through Camden, Atlantic, Ocean, and Burlington Counties—is widely considered one of the most pristine river systems in the region. Home to incredible biodiversity, it serves as a critical habitat for various wildlife, including bald eagles.

“The Mullica River has a very special place in my heart, because it’s where my father and I would spend our weekends fishing growing up,” said **Congressman Conaway**. “Being able to protect this important natural resource in our state is extremely important to me. Its conservation would not only save the wildlife that call it home, but it would also ensure that future generations can continue to enjoy clean water, healthy ecosystems, and outdoor recreation.”

“The Mullica River is one of the most beautiful and important natural resources in our region, supporting wildlife, outdoor recreation, tourism, and local communities,” said **Congressman Van Drew**. “This river is a treasure, and we have a responsibility to make sure it is protected for future generations. This bill begins the process of studying the river for potential Wild and Scenic designation so we can ensure it remains healthy and protected for years to come. I am proud to be part of this effort to help preserve the Garden State’s natural beauty.”

“The Mullica River was right down the road from me growing up in South Jersey – playing a part in so many New Jerseyans’ memories who go to enjoy the water and the scenery,” said **Senator Kim**. “It’s our responsibility to do all we can to protect the natural resources that give our state so much. I’m grateful to this bipartisan group for coming together to do just that.”

“The Mullica River is one of New Jersey’s most valuable natural resources, providing clean drinking water, supporting fisheries and wildlife habitat, and sustaining some of the most important ecosystems in the Mid-Atlantic,” said **Senator Booker**. “This legislation is critical to strengthening protections for the Mullica River and preserving the environmental and economic benefits it provides to communities across our state.”

Congress originally created the National Wild and Scenic Rivers System in 1968 to preserve our nation’s most valuable free-flowing rivers. This bill would not immediately designate the river; instead, it would direct the National Park Service to formally study the watershed, a process that involves research, public engagement, and scientific evaluation before any future designation decisions are made.

[The prepared statement of Mr. Moore in support of the Great Egg Harbor River Study follows:]

Statement of Terrence D. Moore Executive Director of the New Jersey Pinelands Commission before the Senate Committee on Public and Lands, Reserved Water and Resource Conservation, June 20, 1986.

“Senator Wallop and members of the Committee, my name is Terrence D. Moore and I am the Executive Director of the New Jersey Pineland Commission. I am pleased to be here today to speak in support of the legislation before you which provides for the study of the Great Egg Harbor River for inclusion in the National Wild and Scenic River System.

Major portions of the Great Egg Harbor River traverse the Pinelands of New Jersey, an area which enjoys designation as this country's first National Reserve, and as an International Biosphere Reserve. The protection of the river is of continuing concern to the people of New Jersey, and to the Commission which administers land use in the Pinelands National Reserve. Portions of the river lie outside of the legislatively defined boundaries of the Pinelands including its headwaters which rise in Berlin Township in Camden County. Degradation of these waters could in the future, have significant consequences on those portions of the river which flow through the National Reserve.

The New Jersey Pinelands Comprehensive Management Plan designates the Great Egg Harbor River as a wild and scenic river with scenic corridors of special significance to the Pinelands and sets forth standards to protect these qualities. The river's environmental, cultural, and recreational attributes are well-known in the region, and throughout the State. The proposed study is a welcome addition to our knowledge and will result in a series of recommendations and measures to better protect this major resource. I am pleased, today, to transmit to this Committee, a resolution of the Pinelands Commission supporting the legislation before you.

The Pinelands National Reserve was envisioned by Congress as an experiment in the protection of areas of national significance through a partnership of the federal government and a state, its local jurisdictions, and its people. That partnership will be very visible to you today. You will find that this legislation to study the Great Egg Harbor River is being supported by the Department of the Interior, the State of New Jersey and the Pinelands Commission, the counties and municipalities through which the river flows, and people who desire its protection. The Pinelands Commission looks forward to participating in this joint effort, and to the future inclusion of the Great Egg Harbor River in the National Wild and Scenic River System.”

Request for Administrative Review and Compliance Verification

Submitted to:

New Jersey Pinelands Commission

Submitted by:

Mark Pesotski

Concerned Resident, Monroe Township

June 12, 2026

Purpose of Submission

This packet is respectfully submitted to request that the Pinelands Commission review several **procedural, statutory, and regulatory issues** related to the Hexa property in Monroe Township, including:

1. **The legality of the 2019 Rehabilitation Designation**
 - The Hexa parcel does **not** meet any statutory criteria under **N.J.S.A. 40A:12A-14**
 - The parcel has **never been built on**
 - The parcel has **no water service** and **no sewer service**
 - The Township used an **impermissible parcel-grouping method**
 - The designation conflicts with the New Jersey Supreme Court's ruling in **Gallenthin Realty v. Paulsboro (2007)**
 - The redevelopment designation exists **solely because of this invalid rehabilitation designation**
2. **The Commission's handling of my June 1, 2026 OPRA request**
 - The request was specific and lawful
 - The response did not comply with OPRA requirements
 - The statutory deadline has passed
 - A **constructive denial** has occurred
3. **CMP Compliance – Alternative Site Analysis**
 - For a **1.62-million-square-foot data center**, the CMP requires demonstration that **no feasible alternative location exists outside the Pinelands**
 - No such analysis has been produced
 - If no analysis exists, the application is **incomplete** under the CMP
 - A **certification of non-existence** is required if the records do not exist

Requested Action by the Commission

I respectfully request that the Commission:

- **Review the legality** of the 2019 rehabilitation designation
- **Determine whether the redevelopment designation remains valid**
- **Produce the OPRA-responsive records** or provide a **certification of non-existence**
- **Confirm CMP compliance** regarding alternative site analysis requirements

Summary

This submission is intended to assist the Commission in ensuring:

- Compliance with the **Local Redevelopment and Housing Law**
- Compliance with **Gallenthin**
- Compliance with **OPRA**
- Compliance with the **Comprehensive Management Plan**

The issues raised herein directly affect the procedural integrity of the Hexa application and the Commission's statutory responsibilities.

Hexa Property – Key Issues Requiring Pinelands Commission Review

Submitted by: *Mark Pesotski*

Date: *June 12, 2026*

1. 2019 Rehabilitation Designation – Statutory Defects

Monroe Township adopted a rehabilitation designation for the Hexa property in 2019.

Although a study was conducted, the findings do not satisfy the statutory criteria under N.J.S.A. 40A:12A-14.

A. Parcel Does Not Meet Rehabilitation Criteria

The Hexa parcel:

- Has never been built on
- Contains no structures
- Contains no deteriorated buildings
- Contains no substandard infrastructure
- Has no water service
- Has no sewer service

Rehabilitation applies only to existing buildings or existing infrastructure that is deteriorated or substandard.

No such conditions exist on this parcel.

B. Improper Parcel-Grouping Method

The Township:

- Drew a large boundary around many parcels
- Identified issues on some parcels
- Declared all parcels inside the boundary “in need of rehabilitation”

This method is not permitted under New Jersey law.

C. Gallenthin Realty v. Paulsboro (2007)

The New Jersey Supreme Court requires:

- **Parcel-specific evidence**
- **Parcel-specific statutory findings**
- **No designations based on “underutilization” or generalized conditions**

The Hexa parcel received no parcel-specific findings and meets none of the statutory criteria.

D. Result

- **The 2019 rehabilitation designation is legally defective**
- **It has never been corrected or overturned**
- **The redevelopment designation exists solely because of this invalid rehabilitation designation**

2. Outstanding OPRA Request – June 1, 2026

I requested:

- **Any alternative site analysis submitted by Hexa Builders**
- **Any correspondence regarding alternative locations**
- **Any internal review of alternative sites**
- **A certification of non-existence if no such records exist**

A. CMP Requirement

For a 1.62-million-square-foot data center, the CMP requires proof that:

No feasible alternative location exists outside the Pinelands.

If no alternative site analysis exists, the application is incomplete.

B. Response Received

The Commission responded that the request “lacked specificity” and directed me to review files in person.

This response is not compliant with OPRA, which requires:

- **Production of records,**
- **A lawful denial with citation, or**
- **A certification of non-existence**

The statutory deadline has passed → constructive denial.

3. Requested Action by the Commission

I respectfully request that the Commission:

- 1. Review the legality of the 2019 rehabilitation designation**
- 2. Determine whether the redevelopment designation remains valid**
- 3. Produce the OPRA-responsive records**
- 4. Provide a certification of non-existence if no alternative site analysis exists**
- 5. Confirm CMP compliance regarding alternative site requirements**

4. Summary

- The Hexa parcel does not meet any LRHL rehabilitation criteria**
- It has no buildings, no deterioration, no water, no sewer**
- The Township used an impermissible parcel-grouping method**
- *Gallenthin* prohibits this approach**
- The redevelopment designation is invalid if the rehabilitation designation is invalid**
- The OPRA response is non-compliant**
- The CMP requires an alternative site analysis, which has not been produced**

REQUEST FOR REVIEW OF PROCEDURAL DEFECTS RELATED TO THE HEXA PROPERTY

Submitted to the New Jersey Pinelands Commission

By: *Mark Pesotski*

Date: *June 12, 2026*

1. 2019 Rehabilitation Designation – Statutory Non-Compliance

Monroe Township adopted a “rehabilitation” designation for the Hexa property in 2019.

Although a study was conducted, the findings **do not satisfy the statutory criteria** required under **N.J.S.A. 40A:12A-14**.

A. Statutory Requirements Not Met

The Hexa parcel:

- Has **never been built on**
- Contains **no structures**
- Contains **no deteriorated buildings**
- Contains **no substandard infrastructure**
- Has **no water service** to this day
- Has **no sewer service** to this day

Rehabilitation under the LRHL applies only to **existing buildings or existing infrastructure** that is deteriorated or substandard.

No such conditions exist on this parcel.

B. Improper “Circle Method”

The Township:

- Drew a **large boundary** around numerous parcels
- Identified issues on **some** parcels
- Declared **all** parcels inside the boundary “in need of rehabilitation”

This method is **not permitted** under New Jersey law.

C. Gallenthin Realty v. Paulsboro (2007)

The New Jersey Supreme Court held that:

- Municipalities must provide **parcel-specific evidence**
- They cannot designate land based on **underutilization**
- They cannot rely on **generalized conditions** affecting nearby parcels

The Hexa parcel received **no parcel-specific statutory findings** and meets **none** of the required criteria.

D. Result

- The 2019 rehabilitation designation is **legally defective**
- It has **never been corrected or overturned**
- The redevelopment designation exists **solely because of this invalid rehabilitation designation**
- Therefore, the “Hexa Redevelopment Area” rests on a foundation that **does not legally exist**

2. Outstanding OPRA Request – June 1, 2026

On June 1, 2026, I submitted an OPRA request seeking:

- Any **alternative site analysis** submitted by Hexa Builders
- Any **correspondence between Hexa and Commission staff regarding alternative locations**
- Any internal Commission review of alternative sites
- A **certification of non-existence** if no such records exist

A. CMP Requirement

For a **1.62-million-square-foot data center**, the CMP requires the applicant to demonstrate that:

No feasible alternative location exists outside the Pinelands.

If no alternative site analysis exists, the application is **incomplete** under the CMP.

B. Response Received

The Commission responded that:

- My request “lacked specificity,” and
- I should come in person to review files

This response is **not compliant with OPRA**, which requires:

- Production of records,
- A lawful denial with citation, or
- A certification of non-existence

The statutory deadline expired on **June 10**, resulting in a **constructive denial**.

3. Requested Action by the Pinelands Commission

I respectfully request that the Commission:

A. Review the legality of the 2019 rehabilitation designation

Given the lack of statutory criteria, absence of infrastructure, and the Supreme Court’s ruling in *Gallenthin*, the designation warrants review.

B. Produce the OPRA-responsive records

Including any alternative site analysis, correspondence, or internal review.

C. Provide a certification of non-existence

If no alternative site analysis or related records exist.

D. Confirm whether the redevelopment designation remains valid

Given that it is based entirely on an underlying rehabilitation designation that does not meet statutory requirements.

4. Summary

- The Hexa parcel **does not meet any LRHL rehabilitation criteria**
- It has **no buildings, no deterioration, no water, no sewer**
- The Township used an **impermissible parcel-grouping method**
- *Gallenthin* prohibits this approach
- The redevelopment designation is **invalid** if the rehabilitation designation is invalid
- The OPRA response is **non-compliant**
- The CMP requires an **alternative site analysis**, which has not been produced