

Disclaimer

These minutes reflect the actions taken by the Commission during its April 11, 2025 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 April 16, 2025.

PINELANDS COMMISSION MEETING

MINUTES
April 11, 2025

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: https://www.youtube.com/watch?v=XTp6_w5YFa4

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., Deborah Buzby-Cope, Jerome H. Irick, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, Jessica Rittler Sanchez, 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 Alexis Franklin.

Commissioners Absent

John Holroyd and Theresa Lettman.

Call to Order

Chair Matos called the meeting to order at 9:33 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. Twelve Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's March 14, 2025 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the March 14, 2025 Commission meeting were adopted by a vote of 11 to 0. Commissioner Meade was not present at the time of the vote.

Committee Reports

Chair Matos provided a summary of the March 28, 2025 Policy and Implementation (P&I) Committee meeting:

The Committee approved the minutes of the February 28, 2025 meeting with an amendment.

The Committee heard a presentation on New Jersey's Wetland Program Plan from Metthea Yepsen and Nick Procopio of the New Jersey Department of Environmental Protection (NJDEP) Division of Science and Research. The Committee discussed both the State's and the Pinelands Commission's efforts in addressing wetlands protection and the success of partnerships and networks in meeting those goals. Pinelands staff were credited for their long-term wetlands monitoring efforts.

The Committee also received a summary presentation from Director of Land Use Programs, Gina Berg, on the NJ Interagency Council on Climate Resilience's 2024 Annual Report. The Committee discussed objectives and staff resources dedicated to the activities of the Council and the benefits of climate change education and outreach at a local level.

Executive Director's Report

ED Grogan said that later in the meeting she would be providing additional information on the following two agenda items: the contract for a historic preservation architect that will manage the Fenwick Manor rehabilitation project and proposed Comprehensive Management Plan (CMP) Amendments.

ED Grogan introduced Kate LaMotta, who was recently hired as an Environmental Specialist.

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

- Ocean County submitted an application to the Commission during the summer of 2024 to elevate a portion of County Route 539 in the vicinity of the Joint Base McGuire-Dix-Lakehurst (JBMDL) to alleviate military traffic crossing a portion of the base. The applicant was required to conduct a threatened and endangered species study. In March, the Commander of the JBMDL sent a letter to ED Grogan advising that the project did not require review by the Commission because the construction area is located in JBMDL. In response to that letter, ED Grogan sent a letter requesting clarification as to

who owns the Route 539 right-of-way. The letter also advised that the military installation must comply with the provisions of the CMP unless the project is incompatible with the installation's mission, safety or other national defense requirements.

- The Federal Aviation Administration (FAA) is proposing forestry activities on approximately 900 acres at the William J. Hughes Technical Center. The FAA sent the Commission a letter stating that based on sovereign immunity, they do not need to apply to the Pinelands Commission. The FAA did, however, apply to NJDEP for approval of its proposed forest stewardship plan. NJDEP cannot approve any permit or application unless all CMP standards are met.

Stacey Roth explained that sovereign immunity essentially means that a greater sovereign cannot be subject to a lesser sovereign's regulations or authority unless it is determined prior. She said in this instance, it's a federal agency saying it does not have to comply with a state agency's regulations.

April Field, Chief Permitting Officer, provided the following updates:

- Staff held a meeting this past week with representatives of YMCA of the Pines. The camp is proposing to utilize two existing buildings on its property in Medford Township for the establishment of Pre-K schools. In 1994, a zoning change occurred that designated a 120-acre portion of the property from a Rural Development Area to a Regional Growth Area to permit sewer. As part of that zoning change, the 389-acre portion of the parcel serviced by a septic system was deed-restricted to limit permitted uses. YMCA of the Pines proposed to establish one of the schools in the deed-restricted portion of the camp, which is not permitted under the deed restriction or current zoning. At the meeting, Commission staff reviewed alternative locations for the second Pre-K school with YMCA representatives.
- Ernest Deman, Regulatory Programs Specialist, has scheduled an interagency training session with NJDEP Land Use professionals that will be held at the Commission's office on April 29th. At the training session, each agency will discuss their roles and future coordination between the two offices. It's anticipated that 25-30 NJDEP staff members will be attending.

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

- Commission staff attended a special meeting of the Camden County Agriculture Development Board (CADB) in mid-March. The CADB requested feedback from the Commission related to the designation of agricultural development areas in Regional Growth Areas and Rural Development Areas in both Waterford and Winslow Townships. The CADB wanted to be sure that the Commission regulations did not prevent the farms from being targeted for farmland preservation.

- The Commission's 3rd Annual Land Preservation Summit was held in early April. Fourteen different organizations were represented, and the discussion focused on accessible trails, including how they should be developed and standards that they would need to comply with. Remote attendees were able to participate in this year's session.
- Staff is reviewing NJDEP's proposal to amend its wetlands mitigation rules. The draft rule does not include preservation along Pinelands waters. The rule will be discussed at the April P&I Committee meeting.

Stacey Roth, Chief, Legal and Legislative Affairs provided an update on the following matters:

- The Pinelands Preservation Alliance (PPA), Pemberton Township and the NJDEP executed an amended right of entry agreement for an accessible trail project at Pemberton Lake. Construction of the project will begin soon.
- The Commission received notice of dismissal of two legal matters where both applicants failed to exhaust administrative remedies: Estlow Estates and Mojave Materials.

Ms. Roth said the State Ethics Commission notified Commissioners that Financial Disclosure Statements must be completed by May 15, 2025.

Brad Lanute, Chief Planner, said in late November of last year, Manchester Township adopted an ordinance that eliminated townhouse development in one of its Regional Growth Area zones. The effect of this ordinance would eliminate all residential development potential, resulting in no use of Pinelands Development Credits (PDCs) within the affected zone.

He said staff issued a letter to the Township stating that the ordinance raised a substantial issue with respect to the CMP. It specifically noted concerns regarding its consistency with CMP standards related to minimum residential densities and the provision of PDC opportunities in Regional Growth Areas. Commission staff met with Township officials to better understand the intent of the ordinance.

He said staff then conducted a more comprehensive analysis of the Township's entire Regional Growth Area and the ordinance's potential impacts. Staff's evaluation concluded that the ordinance would reduce the Township's overall Regional Growth Area residential zoning capacity and its PDC potential by approximately one-third. In March, staff notified the Township that, due to these negative impacts, the ordinance could not be recommended for certification to the Commission.

He said currently, staff is awaiting a response from the Township regarding how it would like to proceed.

Commissioner Meade arrived at 10:01 a.m.

Paul Leakan, Communications Officer provided the following updates:

- Staff conducted an on-line survey in preparation for scheduling a training session for municipal staff. Based on feedback, the training session will focus on “frequently asked questions about development applications” and how the Commission’s interactive map can play a key role in answering those questions. The training session will be scheduled for mid-June.
- Staff is assembling a working group to develop a native plant seed mix to be used in the Pinelands Area. Two nurseries have already committed to participate, with the intention to sell the mixes at their nurseries. The purpose is to identify what species should be used and where the seed mix can and should be used. A fact sheet and webpage will be created upon completion. The New Jersey Department of Transportation and NJDEP have been contacted about participating in the working group.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution approving a Waiver of Strict Compliance for a single family dwelling.

Commissioner Lohbauer made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1992-0669.001) (See Resolution # PC4-25-09). Commissioner Pikolycky seconded the motion.

Director Horner said in instances where an application does not meet a specific standard of the CMP, a waiver may be granted if an application can meet certain conditions. The process ensures that all parcels in the Pinelands Area have a minimum beneficial use and that the Commission’s regulations don’t result in a takings claim.

He said the applicant is proposing to develop a single family dwelling on an approximately five-acre parcel of land in the Rural Development Area. The following two standards cannot be met: 300-foot buffer to wetlands and the minimum depth to the Seasonal High Water Table for the septic system. He noted that the applicant qualifies to develop a home under the CMP’s cultural housing provision. He said the cultural housing provision was established in 1981 when concerns were raised that longtime Pinelands Area landowners should be allowed to build on family properties if certain conditions could be met.

Staff is recommending approval of the waiver.

The resolution was adopted by a vote of 12 to 0.

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

Chair Matos read the list of applications up for comment.

Heidi Yeh, Pinelands Preservation Alliance (PPA), said PPA is opposed to (Application No. 1981-2437.019) Atlantic County Vocational Technical School’s application for an artificial turf field. She said artificial turf fields contain chemicals, heavy metals and PFAS content. She said

artificial turf fields also exacerbate the heat island effect. She pointed out a past comment from Commissioner Rittler Sanchez, who questioned the heavy metals associated with artificial turf fields because they may move differently in the Pinelands due to its acidic soils. She said there are health concerns associated with artificial turf fields and suggested that the Commission place a moratorium on any new artificial turf fields. She said the fields can be compared to plastic carpets and should not be encouraged in the Pinelands.

Ordinances Not Requiring Commission Action

Chief Planner Lanute said the Commission's Land Use Programs Office reviewed four ordinances and one master plan reexamination report, all of which were found to raise no substantial issue with respect to the CMP.

He said Pemberton Township adopted an ordinance that authorizes the installation of Electric Vehicle Supply and Service Equipment. Winslow Township adopted an ordinance authorizing various cannabis related uses within its Pinelands industrial and commercial zones.

He noted that Maurice River Township adopted a Master Plan reexamination report that recommended several amendments to the township's resource extraction ordinance related to "Wet Mining," which refers to resource extraction occurring below one foot above the seasonal high-water table.

Other Resolutions

Chair Matos introduced a resolution related to the Fenwick Manor Rehabilitation project.

Commissioner Lohbauer made a motion To Authorize the Executive Director to Enter Into a Contract with a Historic Preservation Architect to Provide Services for the Historic Fenwick Manor Rehabilitation Project (See Resolution # PC4-25-10). Commissioner Rittler Sanchez seconded the motion.

ED Grogan said the NJ Historic Trust awarded the Commission a grant that funded a Preservation Plan for Fenwick Manor. Subsequently, the Commission applied for a Capital grant from the NJ Historic Trust and received a special state appropriation to match the grant funds to finance the rehabilitation work outlined in the Preservation Plan. The Commission will also utilize funds from its painting reserve account to complete Phase 1 of the project. Photos of the interior and exterior of the building were displayed (see attached). Phase 1 will include painting the exterior of Fenwick Manor and stabilization of the foundation. Prior work in Fenwick Manor that involved trenching ruined the integrity of the structure, causing the current fireplace columns to no longer have support and resulted in significant interior cracks on the walls.

ED Grogan said the Request for Proposal generated three bids. She said an Evaluation Committee reviewed the bids and unanimously recommended the contract be awarded to Connolly & Hickey Historic Architects, which will prepare plans, manage the project and help staff hire a contractor that will perform the actual work. Not only was Connolly & Hickey deemed to be the most qualified to do the work, but they were also the low bidder.

Commissioner Lohbauer asked how long the project is expected to take.

ED Grogan said once the contract is fully executed, staff will meet with Connolly & Hickey and will know more about an estimate of time, but she foresees it will take approximately one year.

The resolution was adopted by a vote of 12 to 0.

Chair Matos introduced a resolution for authorization of a rule proposal.

Commissioner Mauriello made a motion To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Fees; Certificates of Filing; Waivers of Strict Compliance; Land Capability Map; Regional Growth Areas; Pinelands Development Credits) (See Resolution # PC4-25-11). Commissioner Lohbauer seconded the motion.

ED Grogan said staff has been discussing this set of proposed CMP amendments with the P&I Committee and full Commission for a long time. She reiterated that by approving today's resolution, the Commission is authorizing the rule making process to begin and not approving CMP amendments. She provided an overview (see attached) of what is included in the proposed amendments.

She said an additional application fee will be assessed when a violation is identified during review of an application, regardless if the applicant has paid the maximum fee. An additional fee will also be assessed for extraordinary hardship Waivers of Strict Compliance. Both increased fees take into account the extra amount of staff review time for these types of applications. The fee for a wetlands-related Letter of Interpretation (LOIs) will increase to factor in the significant amount of field work staff must allocate to these applications. She noted that the \$250 LOI fee has remained the same since 2004. She said the fee increase mirrors NJDEP's wetlands LOI fees.

Commissioner Rittler Sanchez asked for clarification for the fee change for a Waiver of Strict Compliance application.

ED Grogan said the application fee for a single family dwelling is currently \$250 and that fee is not changing. She said should a Waiver of Strict Compliance be required it will now require a fee of \$250 in addition to the \$250 fee for a single family dwelling.

Commissioner Lohbauer asked if the rules should include a higher fee for violations as a way of deterring future violations.

ED Grogan said the Commission does not have the authority to fine or enforce violations. Therefore, the increased fees need to be associated with the amount of staff time and effort required to review and resolve the violation.

ED Grogan said the rule proposal includes the redesignation of 2,440 acres from a Rural Development Area to a Forest Area in Evesham Township to protect the Black Run Watershed. This will result in changing the Pinelands Land Capability Map, thereby reducing the

development potential of the area. Any residential development will still have to be clustered on 1-acre lots using septic systems. Evesham Township will have the ability to create new zoning districts and refine the boundary to reflect existing lot lines or other conditions. A map was displayed (see attached) to depict the area outlined in red, reflecting the land subject of the management area change. ED Grogan noted that the management area change will not connect the existing Forest Area. She said it's important to point out because in a large management area change such as this, the CMP requires that the Commission adopt an amendment to its Land Capability Map rather than implementing the change through the normal municipal conformance process.

Commissioner Asselta asked for confirmation that Evesham Township is in support of the Management Area change and that they understand it will affect future growth of the municipality. He pointed out that over the past 6-month period, members of the public have been lobbying for the management area change.

ED Grogan said Evesham Township is fully aware of the management area change. She also noted that the proposal has actually been underway since 2006, when research began on the Southern Medford Evesham Resource Protection Plan. She also noted that the Black Run watershed is listed in Evesham Township's Open Space and Recreation plan.

Commissioner Asselta asked if this proposal is required to be reviewed by the Pinelands Municipal Council.

ED Grogan said all CMP amendments are shared with the Pinelands Municipal Council and feedback is requested, as required by the CMP. However, the Council has not met for a couple of years.

Commissioner Mauriello suggested that a meeting be held with Pinelands municipalities to review the amendments and answer questions. He noted that during a public hearing, there is no opportunity for a dialogue.

ED Grogan agreed that an informal meeting would be helpful.

Commissioner Rittler Sanchez asked how the Forest Area redesignation line was created.

ED Grogan said staff began with the boundary of the Black Run watershed and added lands that were preserved. She said some parcels were removed if they were already developed.

Chief Planner Lanute added that an existing golf course was removed because golf courses are not permitted in the Forest Area. He said if the amendments are adopted, the Township will be able to refine the boundary through its zoning process.

ED Grogan said the rule proposal includes adding a one-year expiration date to waivers issued between 1985-1992. In 1992, the Commission adopted new waiver rules, and all waivers issued after 1992 were valid for five years before the waiver expired. She said all waivers should have

an expiration date due to the fact that rules change and it makes it difficult for staff to administer the standards of the CMP. It's estimated that there could be 200 old waivers.

Mayor Pikolycky asked if the applicants affected by the old waiver expiration rules would have to pay a fee. He suggested that since the Commission would be taking something away from the applicant that they should be excluded from paying a fee.

ED Grogan said they would be required to pay a \$250 fee. She said prior to 2004 the Commission did not collect fees for applications.

Commissioner Buzby-Cope asked if the Commission would be contacting the applicants who have old waivers.

ED Grogan said staff will make their best effort to contact the holders of the waivers. The address on files could be as old as 40 years.

ED Grogan said the rule proposal will also add expiration dates to completeness documents issued by the Commission in the past and future. She said Certificates of Filing – and in some instances, these documents can be referred to as Certificates of Completeness and Certificates of Compliance – are not approvals but signify the completion of an application with the Commission and allow applicants to proceed to get their local approvals. She said the standards of the CMP will be easier to administer for staff and municipalities if completeness documents expire. She said the ultimate goal is that applications meet the current standards.

Commissioner Mauriello asked about the significance of the January 1, 2004 date related to Certificates of Filing.

ED Grogan said this portion of the rule proposal was written in 2024 and the thought was that Certificates of Filing more than 20 years old should be considered expired. She added that prior to January 1, 2004, the Commission did not charge fees to applicants, so that seemed to be a good threshold.

ED Grogan reviewed changes to the PDC program language in the CMP, including deleting some old language and guidelines and clarifying some existing language. The rules will specify that standards under which municipalities can meet their PDC obligations by shifting opportunities from residential to non-residential development. Clearer standards that must be met when municipalities seek to increase permitted densities will also be incorporated in the CMP. These changes are intended to codify certain municipal flexibility provisions and ensure that the PDC program is not damaged as a result of the zoning changes municipalities seek to implement.

Lastly, ED Grogan reviewed the rulemaking schedule (see last presentation slide for).

Chair Matos thanked staff for the research and writing that went into the rule proposal, especially ED Grogan, who spearheaded the amendments.

Commissioner Irick asked if the amendments would require more PDCs to be used.

ED Grogan said the use of PDCs could increase but that it will ultimately be dependent on the types of zoning changes sought by municipalities in their Regional Growth Areas. The amendments make the criteria for such changes, and the associated PDC requirements, more straightforward.

Commissioner Wallner thanked staff for the comprehensive Black Run Watershed proposal.

The resolution was adopted by a vote of 11 to 0. Commissioner Meade abstained from the vote.

General Public Comment

Harry Harper, Pemberton Township Councilman, said dump trucks were seen recently at a Magnolia Road property, which is the same property where there was a violation last year. The Commission will be receiving a letter from the Pemberton Township Director of Community Development on the matter. He also noted that he hopes to see the demolition of the former Burlington County College buildings progress quickly.

Mark Thomas of New Lisbon, NJ, and founder of the Rancocas Conservancy, said when the original CMP was created, additional consideration was given to the central Preservation Area and population centers due to the Pinelands Area's close vicinity to Philadelphia and the potential for regional growth. He said because most of the focus was given to the Preservation Area, Regional Growth Areas were overlooked, even though they had similar qualities. He commended the Commission and Evesham Township for protecting the Black Run. He also noted that the 700-acre property along Lakehurst Road in Pemberton Township has similar characteristics of a Preservation Area. He said citizens at the local level took the initiative to stop the development at that property and the state may acquire it. He played clip of audio of a wood thrush singing.

Ed Ferruggia of Voorhees, NJ, said the development in which he lives is contiguous to the Pinelands and the Black Run. He thanked the Commission for moving the rule proposal forward and hopes for future preservation efforts of the Black Run. He said he thinks the Evesham Township Open Space Plan aligns with the Commission's map.

Heidi Yeh of PPA spoke about the severe health risks associated with playing on artificial turf fields, particularly for soccer goalies. She said there is a misconception that artificial turf allows for increased use and playable time. However, a natural turf field that is properly designed can provide the same playable time results. She said PPA and the Sierra Club are hosting a webinar on the topic. She said the Commission should consider imposing a moratorium on artificial turf or alternatively request that applicants consider using natural turf and/or demonstrate that they have considered the risks associated with artificial turf and held public hearings. She said the problems associated with use of microplastics need to be addressed. She said there are two bills in the legislature, one of which bans the installation of artificial turf statewide and the other bans the use of Green Acres grants to fund artificial turf fields.

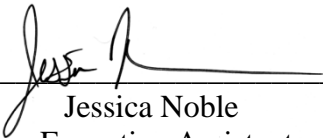
Stephen Elliott of PPA said he is excited about the Pinelands seed mix project and suggested a rain garden seed mix. He said on behalf of PPA and the Friends of the Black Run, he thanked the Commission for continuing to move forward with the Black Run rule proposal. He said, as a member of the Evesham Township Environmental Commission, preservation of the Black Run is in the Evesham Township Open Space and Recreation plan.

Amy Golden of Voorhees, NJ, thanked the Commission for advancing the Black Run rule proposal.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 11:41 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: April 16, 2025



Thomas B. Connolly, AIA
Margaret M. Hickey, AIA
Connolly & Hickey Historical Architects

Fenwick Manor - Historic Preservation Plan

Exterior Conditions



Note the wholesale paint loss on the siding and trim elements. Based on the way the paint is peeling, the lower paint layers have failed causing the paint to check and alligator.

Exterior Conditions



View of mortar loss at the brownstone foundation. Foundations exhibit a mix of mortar and parging loss. Also note paint that has checked, which is severe in many locations.

Exterior Conditions



View of the front porch showing wholesale paint loss, which is throughout the painted porch elements.

Exterior Conditions



Paint and glazing putty loss is prevalent at many of the wood-hung windows and frames.

Interior Conditions Related to Structure



Note the cracking around the fireplace at the southwest parlor; there are other cracks along this entire wall and at the northeast corner of the space.

Interior Conditions Related to Structure



Note the cracking in the plaster around the fireplace in the former southwest bedroom.

Interior Conditions Related to Structure



Crack in the mantelpiece of the fireplace in the northwest parlor. There are conditions at this fireplace that indicate the supports here may also be undermined but not to the extent of the fireplace in the southwest parlor.

Interior Conditions Related to Structure



Crack in the plaster at the second floor. It is suspected this crack is caused by the foundation problems with the fireplace in the southwest parlor, which translate to the upper stories.

Structural Conditions



Removal of flooring in southwest parlor to investigate the condition of the fireplace supports.



View the cracked fireplace header, which supports three levels of brick masonry.

Structural Conditions



View of the crawlspace looking northeast showing how portions of the crawlspace have been dug out.

Projected Costs



Total for Base Project - Structural Upgrades	\$ 417,170
Total for Structural Upgrades and All Interior Repairs	\$ 855,502
Total for Exterior Repairs	\$1,060,320

Note: All costs include a 20% contingency.

Proposed CMP Amendments

Pinelands Commission

April 11, 2025

Proposed Amendments

- ▶ Application Fees
- ▶ Black Run Watershed Pinelands Management Area Redesignation
- ▶ Expiration of old Waivers, Certificates of Completeness and Certificates of Filing
- ▶ PDC Program clarifications and codifications
- ▶ Minor edits and updates

Application Fees

- ▶ Additional fees for applications to resolve violations
 - ▶ Normal application fee plus additional fee due to added staff time
 - ▶ Major development = \$1,000
 - ▶ Minor development = \$500
 - ▶ Normal fee caps (\$50,000/\$25,000/\$500) will not apply
- ▶ Additional fee for Waiver of Strict Compliance applications
 - ▶ \$250 (extraordinary hardship waivers only)
 - ▶ No additional fee for Limited Practical Use applications

Application Fees

- ▶ Letters of Interpretation – Wetlands/wetlands transition areas
 - ▶ Presence/absence = increase from \$250 to \$1,000
 - ▶ Location/extent verification = increase from \$250 to \$1,000 + \$100/acre
 - ▶ Normal fee caps of \$50,000/\$25,000 will apply
- ▶ All other non-PDC Letters of Interpretation
 - ▶ Increase fee from \$250 to \$500

Black Run Watershed- Management Area Redesignation

- ▶ Redesignate 2,440 acres in Evesham Township from a Pinelands Rural Development Area to a Pinelands Forest Area to provide increased protection to the Black Run Watershed and surrounding lands of highest ecological integrity
- ▶ Planning Background
 - ▶ Southern Medford-Evesham Resource Protection Plan
 - ▶ Ecological Integrity Assessment
- ▶ 1,450 acres (60%) permanently protected lands, publicly-owned lands or public right-of-way
- ▶ 1,390 acres (57%) Pinelands wetlands

Black Run Watershed- Management Area Redesignation

► Land Capability Map amendment

Existing Rural Development Area Residential Density	Proposed Forest Area Residential Density
RD-1: 1 unit per 6 acres	1 unit per 25 acres
RD-3: 1 unit per 3.2 acres	

► Theoretical residential zoning capacity reduced from 249 to 38 units

- The realistic development potential is likely smaller due to environmental constraints like wetlands.
- Clustering on 1 acre lots will continue to be required
- After adoption, required implementation by Evesham Township

Expiration of Old Waivers and Certificates of Filing

▶ Waivers of Strict Compliance

- ▶ One-year expiration period established for waivers issued prior to 1992

▶ Certificates of Filing, Certificates of Completeness and Certificates of Compliance

- ▶ Certificates issued prior to January 1, 2004 will be deemed expired
- ▶ Five-year expiration period established for Certificates issued after January 1, 2004, unless local approvals are in place

Pinelands Development Credit Program: Clarifications

- ▶ Clarify that RGA residential density assignments to municipalities are a minimum zoning obligation, with standards for increases and decreases provided in subsequent sections
- ▶ Simplify requirements for accommodation of PDC opportunities in municipal zoning plans by:
 - ▶ Deleting density range “guidelines”
 - ▶ Deleting vague standard to provide for “reasonable’ PDC use in single family detached housing developments
 - ▶ Clarifying that residential density bonuses require the use of PDCs
 - ▶ Clarifying that PDCs are required when municipalities grant residential density or lot area variances

Pinelands Development Credit Program: Codifications

- ▶ Expressly provide municipalities with the flexibility to:
 - ▶ Shift required opportunities for PDC use from residential to nonresidential development
 - ▶ Exempt certain housing types from PDC requirements, provided PDC use is guaranteed for other housing types and/or in other zoning districts
 - ▶ Increase residential zoning capacity, provided PDC use is required, infrastructure is available and there are no significant environmental limitations
- ▶ Continue to provide municipalities with the flexibility to decrease required residential zoning capacity by 10%
- ▶ Limit use of 30% reduction to those municipal zoning plans previously certified by the Commission

Clarifications & Corrections

- ▶ County Boards of Commissioners – to address statutory name change
- ▶ Clarify that PDC use is permitted for a variety of purposes and in management areas other than the RGA (e.g., waivers)
- ▶ Clarify that all PDC allocations are rounded to the closest increment of 0.25, including fractional allocations
- ▶ Clarify that PDC deed restrictions must specify the number of PDCs allocated to a parcel, not the number of PDCs sold

Rulemaking Process and Schedule

Commission
authorization
of rule
proposal

4/11/2025

Publication in
New Jersey
Register

6/16/2025

60-day public
comment
period and
hearing

6/16/25 - 8/15/25

Adoption
notice
considered by
P&I Committee

9/26/25

Pinelands Commission Draft Black Run Rule Proposal

Pinelands Management Areas

- Municipal Boundaries
-
- Pinelands Area Boundary

February 2025

