

Disclaimer

These minutes reflect the actions taken by the Commission during its July 14, 2023 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 July 21, 2023.

PINELANDS COMMISSION MEETING

MINUTES  
July 14, 2023

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=tj0QrhehG-4>*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., John Holroyd, Jerome H. Irick, Theresa Lettman, Ed Lloyd, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney Generals (DAG) Nicolas Seminoff and Jason Stypinski and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

Dan Christy.

Call to Order

Chair Matos called the meeting to order at 9:31 a.m.

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

Chair Matos said this is DAG Seminoff's last meeting. She wished him well.

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.

### Election of Vice Chair

Chair Matos said the Commission elects a Vice Chair each July. She made a motion nominating Commissioner Alan Avery to continue serving as Vice Chair.

The motion was seconded by Commissioner Pikolycky. All were in favor.

Commissioner Avery will continue to serve as the Commission's Vice Chair.

ED Grogan announced the changes to Committee membership, while noting that the changes will be listed on the Commission's website.

### Minutes

Chair Matos presented the minutes from the Commission's June 9, 2023 meeting.

Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the June 9, 2023 Commission meeting were adopted by a vote of 12 to 0.

### Committee Reports

Chair Matos said the June Policy and Implementation Committee meeting was canceled but the Committee will meet on Friday, July 28, 2023.

Vice Chair Avery provided a summary of the June 20, 2023 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the March 21, 2023, meeting.

The Business Manager reviewed the check registers, electronic disbursements, and application fees from March 2023 to May 2023. It was noted that the FY 2023 application fees are currently at 165.74% of the anticipated amount.

The Business Services Manager requested a reinstatement of a fixed assets deletion for an Electro Fisher Backpack, Battery & Case, which was originally approved and marked for deletion on June 14, 2022. The equipment is still in use by the Science Department. The motion for reinstatement was unanimously approved by the Committee.

The Executive Director and Human Resources (HR) Manager provided an update on employee actions and recruitment efforts. The new Research Scientist started on April 10<sup>th</sup>. The HR Manager also attended the NJ State Job Fair in efforts to recruit for current vacancies.

The Executive Director made a presentation on application fees received during FY2023, including information on Pinelands Management Area and Development Type. She recommended that \$700,000 in fee revenue be budgeted for FY2024, which reflects a slight increase in anticipated revenue, but still well below what was received in FY2023. The recommendation was fully supported by the Committee.

The Executive Director also reviewed other key expenditures during FY2023 and provided the Committee with preliminary revenue projections based on the anticipated state appropriation and grant funding.

No public comments were made.

### Executive Director's Report

ED Grogan provided information on the following matters:

- The public comment period for the Kirkwood-Cohansey water management amendments closed and an adoption notice was drafted. The rule package is currently under review by the Governor's office; when their office provides sign off, the Commission can proceed with adoption.
- The first contract negotiations meeting with the Communication Workers of America (CWA) Local 1040 was held in mid-June.
- A structural engineer performed a site visit this week to map the existing utilities of Fenwick Manor. The information will be included in the Preservation Plan and submitted as part of the grant application to the New Jersey Historic Trust.
- The Governor signed the FY2024 State Budget on June 30<sup>th</sup>, but it did not include an increased appropriation for the Commission. The three positions staff intended to recruit for will remain on hold.

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

- In an effort to better serve the public and relieve some of the workload of Regulatory Programs staff, an enhanced, more user-friendly version of the interactive map has launched on the Commission's website: <https://www.nj.gov/pinelands/home/maps/interactivemap/>. Staff will also be sharing the new version of the map with Pinelands municipalities so they can better serve their residents.

ED Grogan noted that the original interactive map will remain available on the Commission's website. She added that in the future, staff plans to create additional specialized maps that will also be available to the public on the website. She said staff

envisions creating a map for appraisers, who often call the Commission and ask about preserved lands or Pinelands Development Credit deed-restricted properties.

- Residents of Leisuretowne in Southampton Township were distraught over the placement of a switchgear, which is a large metal mechanical box, within the community. The switchgear is used to connect the power generated from the solar facility at the Big Hill landfill to the electrical grid. Staff are involved in the process to determine an alternate location for the switchgear.
- Staff has spent a great deal of time on an application for the reconstruction of a single-family dwelling in Woodland Township. If a dwelling is reconstructed within five years of its demolition, an application to the Commission is not required. After five years, the reconstruction requires the submission of application to the Commission. In this instance, the parcel is located in the Pinelands Preservation Area District and the applicant must meet certain standards to qualify to build a dwelling. The applicant will not qualify to rebuild the home once the five-year time limit is up.

Commissioner Avery asked how the Commission became involved in the matter.

Director Horner said in 2015 an inquiry was received regarding the demolition and reconstruction of a dwelling and the possibility of moving the dwelling elsewhere on the lot. He noted that it is possible to move a dwelling, as long as it is not constructed in wetlands and the dwelling maintains the same buffer to wetlands in the new location on the parcel. Staff advised that the reconstruction must be complete within five years. Based on a demolition date provided by Woodland Township, the reconstruction date expires in 2023. He said the applicant has advised the Commission that due to personal reasons the house has not yet been rebuilt and the applicant is requesting relief from the Commission. He said there is nothing in the Comprehensive Management Plan (CMP) that permits a waiver of this provision, especially in this instance when an application is not required.

Commissioner Mauriello asked if the applicant can apply to construct a dwelling and will staff take into consideration the pre-existing house.

Director Horner said an applicant can always apply to the Commission for development and proceed through the process. He added that a Commission public hearing and Office of Administrative Law process are options for applicants. He said the development of single-family dwellings in the Preservation Area District is only permitted under limited circumstances.

Director Horner said approximately eight months ago, the Commission approved an application submitted by the New Jersey Department of Environmental Protection for a firebreak along Allen and Oswego roads. He said at the June Commission meeting a Commissioner asked a question about the proximity of a recent wildfire in Bass River State Forest to the proposed Allen and Oswego roads forest fuel break. He displayed maps on the Smartboard that were prepared by the New Jersey State Forest Fire Service, depicting the

Allen Road fire that took place in early June and the Log Swamp Fire from mid-April (see attached maps).

Stacey Roth, Chief, Legal & Legislative Affairs said she serves as the Commission's Chief Diversity Officer and participated in the first meeting of the Office of Diversity, Equity, Inclusion and Belonging (DEIB) on June 28, 2023, during which the Council discussed its goals.

Paul Leakan, Communications Officer, provided an overview of the 7<sup>th</sup> Annual Pinelands Summer Short Course. He also provided the details of two upcoming Pinelands Speaker Series events.

#### Memorandum of Agreement (MOA) proposal with Stafford Township

ED Grogan said the CMP authorizes the Commission to enter into an MOA with another public agency when a standard of the plan cannot be met. The proposal must include an offset to ensure protection of Pinelands resources. The MOA process includes 13 steps, as outlined in the attached presentation slides. She said that she and Chair Matos met with Stafford Township a couple of months ago and the Policy and Implementation Committee was presented with the proposal at its May meeting.

She said Matthew R. von der Hayden, Stafford Township Administrator, and the Township's Engineer, Frank Little, are here to brief the full Commission on the deviation MOA proposal, which is step 7 in the process. She said after the presentation she will be looking for a general consensus of the Commission to authorize staff to move forward with the MOA.

Mr. von der Hayden said Stafford would like to improve the existing pathways at Forecastle Lake Park by paving a trail. He said in the past the park had a homeless population and was known to be frequented by drug users. He said the park is scenic and being used by walkers and hikers, as demonstrated by the well-worn paths. The Township's goal is for everyone to be able to use the park and that's why the proposal includes using asphalt rather than crushed stone. He said the proposal includes approximately 2,600 linear feet of asphalt pathway, installed at a six-foot width for wheelchair accessibility. He said the soils at the park are Type A and considered permeable. The proposal will also include three handicap parking spaces. Link to presentation slides:

<https://www.nj.gov/pinelands/home/presentations/Stafford%20Trails%20Presentation%20-%20July%2014%202023.pdf>

Mr. Little said the 15,600-square-foot trail project will not be in wetlands, and it will maintain a 150-foot buffer to wetlands. He said the offset will include the reforestation of a 35,000-square-foot area.

Mr. von der Hayden said the Township will be using its own capital funds and tree fund in the Township budget to finance the project. The Township Council and Mayor are supportive of the projects.

Chair Matos advised Commissioners that no formal action is being taken today. She said if Commissioners agree with the proposal, the process will be move forward.

Commissioner Lloyd said he supports the project and hopes to see additional projects like this around the Pinelands.

Commissioner Asselta questioned whether the budget of \$100,000 was enough money to cover the cost of paving the trail.

Mr. von der Hayden said the Township has its own paving machine and staff recently received training to operate it. The Township will be purchasing the asphalt but performing the work.

Commissioner Asselta said he supported the use of asphalt because people with disabilities need a flat surface for mobility and safety.

Commissioner Mauriello asked if any tree clearing was part of the proposal.

Mr. Little said tree removal is not necessary, noting that only some tree branch trimming will occur.

Commissioner Lohbauer said he would like to know if there are any pH impacts to the soil from the use of asphalt.

Mr. von der Hayden noted that Stafford Township updated its code in 2019 to include requirements for native plants and trees.

ED Grogan said based on the questions and comments, it seems the Commission is in agreement that staff should work with Stafford Township to draft an MOA. She reviewed a draft schedule of dates that will include a public hearing and possible Commission action at the January 2024 Commission meeting (see attached slide).

#### Special Public Comment on MOA

Charlotte Borgersen said she heard about the project and reached out to Matt von der Hayden. She said she is really excited about the paved trail and hopes to see additional projects like it throughout New Jersey.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution approving three applications, which include a trail at the Piney Hollow Preservation Area in Franklin Township, the construction of a 10,470-

square-foot building at Joint Base McGuire-Dix-Lakehurst and the construction of two artificial turf athletic fields and associated development in Egg Harbor Township.

Commissioner Pikolycky made a motion Approving With Conditions Applications for Public Development (Application Numbers 1986-1154.004, 1992-0351.005 & 2006-0160.004) (See Resolution # PC4-23-26). Commissioner Lohbauer seconded the motion.

Commissioner Lettman asked if the trail proposed at Piney Hollow Preservation Area was in addition to the existing trails already established at the site.

Director Horner said the Township previously applied for a boardwalk trail, but due to the cost the town is now proposing a six-foot-wide earthen trail through wetlands and wetland buffers.

Commissioner Lloyd asked if the width of the entire trail was six feet or if it was just the portion of the previously proposed boardwalk portion of the trail.

Director Horner said he could provide that information later in the meeting or at a future meeting. He noted that the CMP does not specify that proposed trails must be a certain minimum or maximum width. He said in this instance, the Township proposed the six-foot width and staff determined that there would not be a significant adverse impact to wetlands.

Commissioner Lloyd said it would not change the way he plans to vote on the application, but it would be helpful to know additional information about the existing trails at the preserve.

Commissioner Avery said that the Department of Transportation requires bike trails to be 10-foot wide.

Commissioner Asselta asked if the artificial turf fields are being installed at the high school in Egg Harbor Township.

Ernest Deman of the Regulatory Programs office said the artificial turf fields are being installed at a municipal recreation park.

Commissioner Asselta said artificial turf fields are very expensive and asked if the Township voted on the bond.

ED Grogan said the staff generally does not ask applicants questions about project financing because such information is not relevant to the CMP.

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 Public Development applications. No public comment was received.

#### Ordinances Not Requiring Commission Action

ED Grogan read the list of ordinances and provided a brief overview of a few. She said Medford Township adopted a redevelopment plan that will permit a microbrewery in the Regional Growth Area and require a separate application to be reviewed by the Regulatory Programs office. She said Southampton Township adopted an amended redevelopment plan for the Red Lion Diner Redevelopment Area, and the plan will include road improvements around the traffic circle. She said a few towns have refined their ordinances related to cannabis. She said Winslow Township submitted an ordinance permitting specific types of warehousing within an existing Regional Growth Area commercial district.

#### General Public Comment

Heidi Yeh of the Pinelands Preservation Alliance said she hopes more towns will take action like Winslow Township with differentiating the types of warehousing. She emphasized the importance of regional coordination with siting warehouses and encouraged the Commission to get involved in that effort.

#### Closed Session

Chair Matos said the Commission will need to meet in Closed Session to be briefed on a litigation matter.

DAG Seminoff said the Commission needs to discuss a property in the Pinelands that is currently in litigation with the NJDEP at the Office of Administrative Law (OAL).

Commissioner Lohbauer made a motion to enter Closed Session at 11:05 a.m. Commissioner Lloyd seconded the motion.

#### Return to Open Session

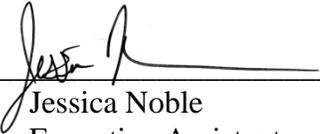
The Commission returned to Open Session at 11:46 a.m.

DAG Seminoff said the Commission received an update on a violation matter. He said when the matter is resolved the Closed Session minutes will be made available.

Adjournment

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:48 a.m.

Certified as true and correct:

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

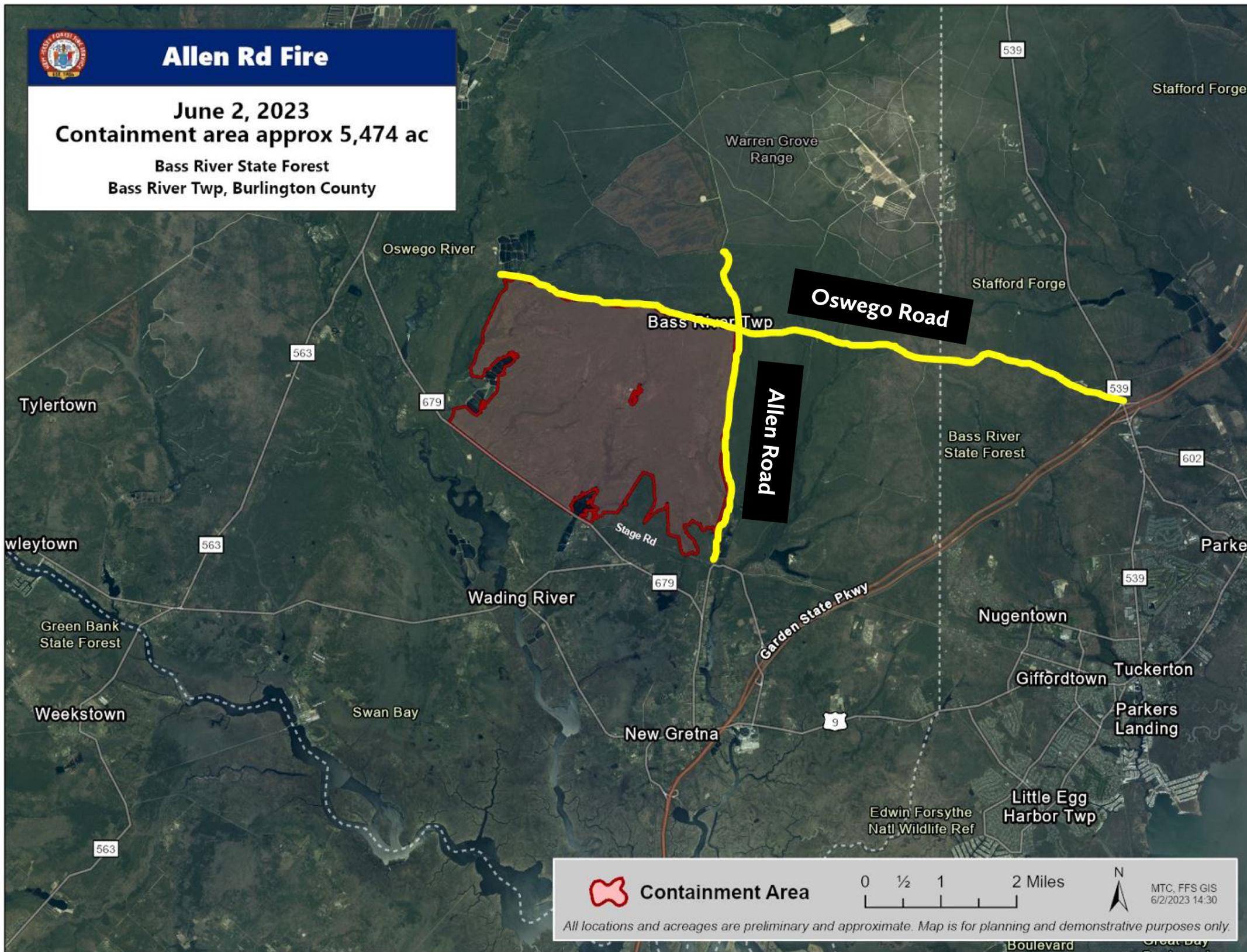
Date: July 21, 2023



# Allen Rd Fire

June 2, 2023  
Containment area approx 5,474 ac

Bass River State Forest  
Bass River Twp, Burlington County



**Containment Area**

0 1/2 1 2 Miles



MTC, FFS GIS  
6/2/2023 14:30

All locations and acreages are preliminary and approximate. Map is for planning and demonstrative purposes only.

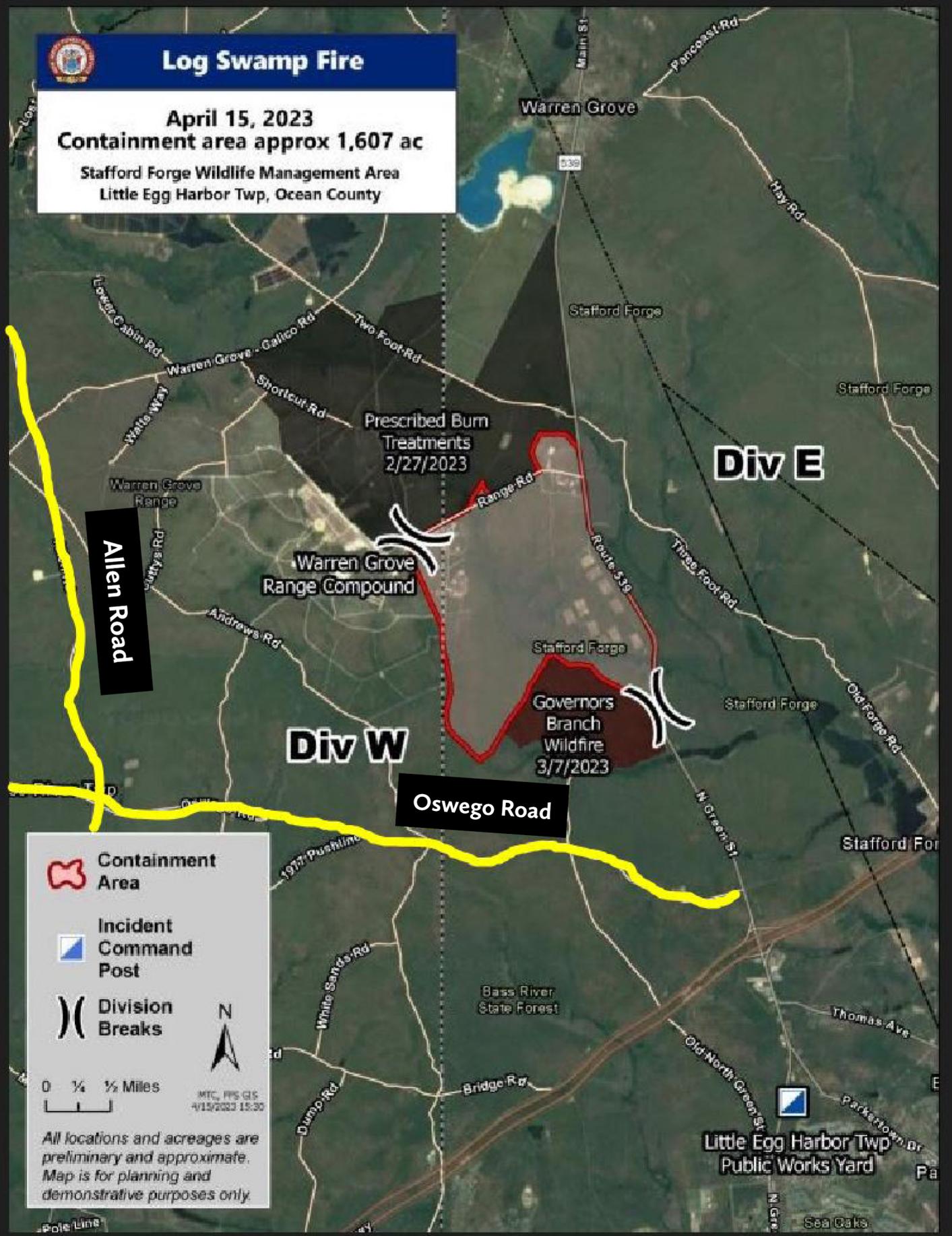


# Log Swamp Fire

April 15, 2023

Containment area approx 1,607 ac

Stafford Forge Wildlife Management Area  
Little Egg Harbor Twp, Ocean County



Allen Road

Div W

Div E

Oswego Road

Containment Area

Incident Command Post

Division Breaks



0 1/4 1/2 Miles

MTC, RPS-GIS  
4/15/2023 15:30

All locations and acreages are preliminary and approximate. Map is for planning and demonstrative purposes only.

Little Egg Harbor Twp  
Public Works Yard



# Process for an Intergovernmental Memorandum of Agreement

February 24, 2023

# Memoranda of Agreement

The CMP authorizes the Commission to enter into MOAs with public entities for two purposes:

- To establish streamlined permitting procedures
- To authorize deviations from CMP standards, provided measures are included to ensure equivalent protection of Pinelands resources

# Process for Consideration of an MOA: Recommended Changes

Step 1. Commission staff meets with the public agency to discuss a proposed development plan. If all CMP standards cannot be met, staff may identify appropriate options for the agency's consideration, including:

- modification or relocation of the project
- a waiver of strict compliance
- an MOA

# Process for Consideration of an MOA: Recommended Changes

Step 2. The Executive Director and Commission Chair meet with the public agency to discuss the proposed development project and the process and potential for an MOA.

Step 3. The public agency submits a written proposal to the Executive Director

- Conceptual site plan, public purpose, project partners and financing, offsetting measures

# Process for Consideration of an MOA: Recommended Changes

Step 4. The Executive Director advises the public agency of the need for any additional information

Step 5. The public agency briefs the P&I Committee on its proposal

Step 6. The P&I Committee makes a recommendation as to whether the Commission should consider entering into the proposed MOA

# Process for Consideration of an MOA: Recommended Changes

## Step 7.

- The Executive Director briefs the full Commission at its next meeting on the public agency's proposal and the P&I Committee's recommendation.
- The Commission determines whether to authorize the staff to move forward with the administrative process and draft an MOA. If yes, the Commission provides a schedule for development and consideration of the MOA.

## Process for Consideration of an MOA: Recommended Changes

Step 8. The Executive Director assigns appropriate staff member(s) to work with the public agency and determines the need for any escrow payments. Staff prepares a draft MOA and shares/discusses it with the public agency.

Step 9. Staff consults with and briefs the P&I Committee on the draft MOA.

# Process for Consideration of an MOA: Recommended Changes

Step 10. Staff conducts a public hearing on the MOA and prepares a report and recommendation.

Step 11. Staff reviews the MOA, report and recommendation with the P&I Committee.

Step 12. The P&I Committee makes a recommendation to the full Commission.

Step 13. The Commission considers the resolution at its next meeting.

# Stafford Township Forecastle Basin / Lake – Accessibility & Passive Park



Proposal by the Township of Stafford

# Agenda



## Accessibility

*The quality of being easily reached, entered, or used by people*



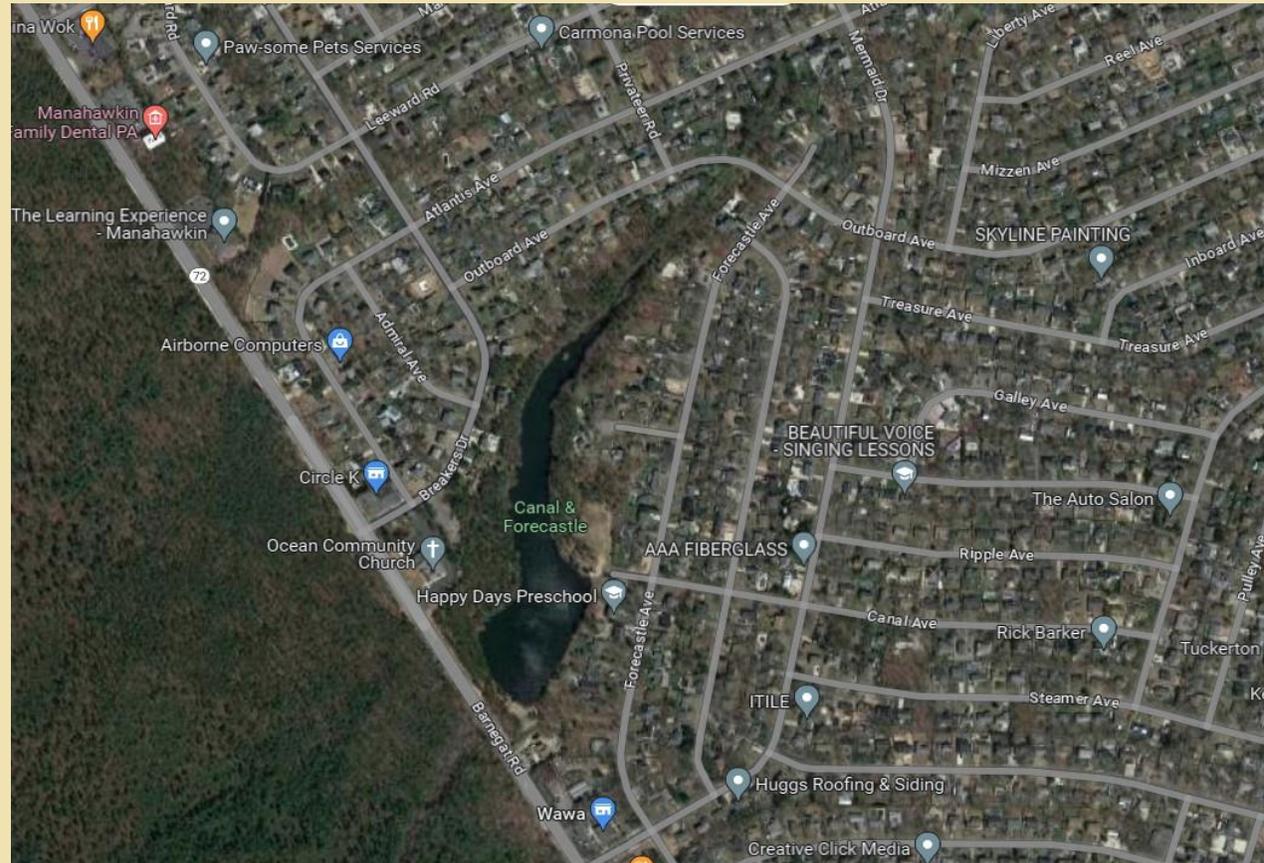
*One in which good health and well-being flourish across geographic, demographic, and social sectors; fostering healthy equitable communities guides public and private decision making; and everyone has the opportunity to make choices that lead to healthy lifestyles.*



## Scenic

*Providing or relating to views of impressive or beautiful natural scenery*

# Where is Forecastle Basin/Park?



What does the pathway  
look like now? – Canal &  
Forecastle



# What does the pathway look like now? – Canal & Forecastle



What does the pathway  
look like now? – Canal &  
Forecastle



What does the pathway  
look like now? – Canal &  
Forecastle



What does the pathway  
look like now? – Breakers  
& Forecastle



What does the pathway  
look like now? – Breakers  
& Forecastle



What does the pathway  
look like now? – Breakers  
& Forecastle



What does the pathway  
look like now? – Rt 72 &  
Forecastle



What does the pathway  
look like now? – Rt 72 &  
Forecastle

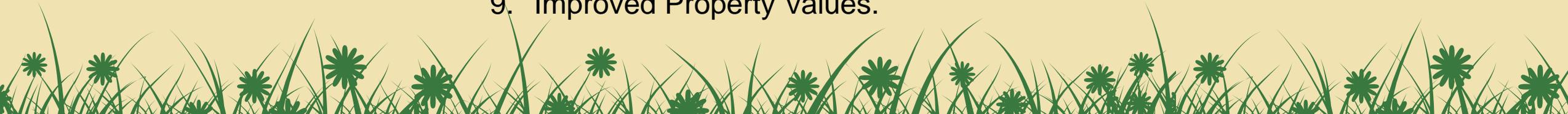


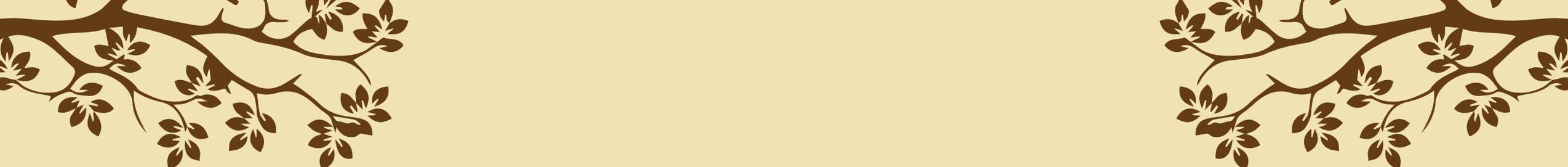
What does the pathway  
look like now? – Rt 72 &  
Forecastle





# Why create a passive park in Stafford Township?

1. Create an all inclusive passive recreation park for the community;
  2. Promoting Community Wellness;
  3. Providing Connection Space;
  4. Encouraging Activity in ALL Kids & Adults;
  5. Conserving Wild Areas to show scenic views to the community;
  6. Creating Safe Gathering Places;
  7. Including Everyone in Play;
  8. Safety; and
  9. Improved Property Values.
- 



# What is Stafford Township proposing to do?

- Improve approximately 2,600 LF of the existing trails around Forecastle Basin/Lake to provide a better experience for the residents and visitors to enjoy the scenic nature of this area as well as provide a location for easier access to fishing.
  - Improve the trail to provide wheelchair accessibility by compacting the existing soil and installing a six (6) foot wide paved surface to allow for safe and traversable pathways.
- 

# Why a paved surface?

- 1. All inclusive passive park for the community to enjoy the area;*
- 2. Allowing access to a passive area and to enjoy nature and the scenery around us.*



# Difference between stone and asphalt?

Type of Walking Surface	Stormwater Runoff (Per Foot Basis – 10 year Storm Event)
Compacted Stone Trail	1.31 Cubic Feet per foot of trail
Asphalt Trail	2.18 Cubic Feet per foot of trail

- The soils are a type A soil and are very permeable.
- Runoff will easily perc into the surrounding soils without impacting the lake.
- The proposed paved asphalt surface will be pitched so the runoff will discharge away from the lake.







# Why do this?

- Community
- Nature
- Safety



Why do this?





# What is in place to do this project?

## Funds:

- \$100,000 – Capital Funds
  - \$140,000 – Available in Tree Funds
  - Backing & Staff:
    - The Mayor, Township Council, Township staff and professionals committed to the project
    - The staff to maintain the passive park, including trash and recycling pickup
    - Proposed Reforestation - 15,600 SF of path with a reforestation of the park with the 35,000 SF) of tree plantings
- 

# Examples of making the community more inclusive in the Township



- Manahawkin Lake Park
- Fully ADA Playground
- Poured in Place Rubber Surface
- Opened in 2022



# Examples of making the community more inclusive in the Township



- Stafford Park
- ADA Playground
- Poured in Place Rubber Surface
- Opening in 2023



What do we need to make this  
happen?





Thank you!

# Suggested Schedule for Consideration of MOA with Stafford Township

7/14/23: Commission authorization to proceed with MOA

10/27/23: P&I Committee reviews draft MOA

11/08/23: Public hearing held

11/29/23: P&I Committee reviews staff report and  
recommendation

1/15/24: Commission action on MOA