



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-39

TITLE: Authorizing an Additional Extension of the Deadline for Recordation of a Deed Restriction on the Parcel Where the New Grassland Conservation and Management Area Will Be Constructed in Accordance with the April 16, 2019 First Amendment to the February 26, 2004 Memorandum of Agreement Between the New Jersey Pinelands Commission and the South Jersey Transportation Authority

Commissioner Irick moves and Commissioner Pikolycky seconds the motion that:

WHEREAS, on April 16, 2019, the Pinelands Commission (the Commission) and the South Jersey Transportation Authority (SJTA) entered into an amendment of the February 26, 2004 Memorandum of Agreement (MOA) for certain development at Atlantic City International Airport; and

WHEREAS, under the terms of the April 2019 MOA Amendment, SJTA is obligated to acquire lands within the Pinelands Area, fund the creation and long-term maintenance of a new Grassland Conservation and Management Area (GCMA) thereon, and preserve the new GCMA in perpetuity through the execution and filing of a deed restriction; and

WHEREAS, the April 2019 MOA Amendment required acquisition of land for the new GCMA within one year of SJTA's execution of the MOA Amendment (April 16, 2020) and establishment of the new GCMA within three years of execution (April 16, 2022); and

WHEREAS, by letter dated March 11, 2020, SJTA requested an extension of the deadline to acquire the site for the new GCMA; and

WHEREAS, the Executive Director, in accordance with the MOA Amendment and with the concurrence of the Commission Chair, extended the acquisition deadline until October 12, 2020; and

WHEREAS, by letter dated September 29, 2020, SJTA requested additional time to acquire the site for the new GCMA; and

WHEREAS, at its October 9, 2020 meeting, the Pinelands Commission approved an additional extension for acquisition of the new GCMA until February 28, 2021; and

WHEREAS, Atlantic County, acting on behalf of SJTA, acquired the new GCMA site consisting of 102.6 acres in Hamilton Township on December 28, 2020; and

WHEREAS, based on the original terms of the April 2019 MOA Amendment, preservation of the new GCMA parcel through recordation of a Deed of Conservation Restriction (DCR) was required within ninety (90) days of site acquisition; and

WHEREAS, based on a request from SJTA for additional time to create and maintain the new GCMA, the Commission approved Resolution PC4-22-03 on January 14, 2022, extending the deadline for deed restriction of the new GCMA parcel to April 16, 2023; and

WHEREAS, on August 12, 2022, the Commission approved establishment of the new GCMA through its adoption of Resolution PC4-22-27, conditioned upon the SJTA's provision of a recorded DCR to the Commission by April 16, 2023; and

WHEREAS, since that time, Atlantic County has worked with Commission staff to draft the language of the required DCR for the parcel; and

WHEREAS, because of the existence of an Atlantic City Electric Company easement on the parcel, Atlantic County has also needed to coordinate with Atlantic City Electric Company's counsel on the language of the DCR; and

WHEREAS, as a result of the time required for coordination with the Atlantic City Electric Company, Atlantic County has not yet filed the required DCR for the new GCMA parcel; and

WHEREAS, Atlantic County, on behalf of SJTA, has requested a further extension until April 16, 2024 to complete its process to record the required DCR; and

WHEREAS, the Commission’s CMP Policy & Implementation Committee has reviewed the extension request and, in recognition of the significant progress made to date relative to the new GCMA, recommends the Commission’s approval of the additional extension; and

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

NOW, THEREFORE BE IT RESOLVED that the Commission grants an additional extension of the deadline for recordation of the Deed of Conservation Restriction for the new Grassland Conservation and Management Area until April 16, 2024. Unless expressly authorized herein, all other provisions and deadlines pertaining to the GCMA set forth in the April 16, 2019 MOA Amendment and the extension resolutions subsequently approved by the Commission shall remain in full force and effect.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Wallner	X			
Avery	X				Lohbauer	X				Matos	X			
Christy			X		Mauriello	X								
Holroyd			X		Meade	X								
Irick	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 13, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair