



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

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

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, February 11, 2022 - **9:30 a.m.**

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 840 5073 6987

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

2. Adoption of Minutes

- January 14, 2022

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration *Where the Record is Closed*

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approvals
 - None
- Public Development Projects and Waivers of Strict Compliance:
 - Resolution Approving with Conditions (2) Applications for Public Development:

Application No. 1985-0160.014-New Jersey Department of Environmental Protection
Installation of a 4,372 sq. ft. geothermal well field for the heating/cooling of the Batsto
Mansion
Washington Township

Application No. 2006-0305.004-Southampton Township
Improvement of the Burrs Mill Road and Retreat Road intersection
Southampton Township

- Resolution Approving with Conditions **(2)** Applications for a Waiver of Strict Compliance

Application No. 1989-0461.003 – Smith
Single family dwelling
Monroe Township

Application No. 1995-1379.001 – DiDonato
Single family dwelling
Hamilton Township

B. Planning Matters

- Municipal Master Plans and Ordinances
 - None
- Other Resolutions
 - None
- CMP Amendments
 - None

5. Public Comment on Public Development Applications and Waivers of Strict Compliance ***Where the Record is Not Closed***

A. Public Development Projects

- Application No. 1981-2437.017 – Atlantic County Vocational Technical School District
Construction of a 10,240 square foot maintenance building and two approximately 5,800 square foot storage yards at the Atlantic County Institute of Technology High School.
Hamilton Township
- Application No. 1984-0655.033 – South Jersey Transportation Authority
Construction of six separate electronic tolling stations within the Atlantic City Expressway right-of-way.
Egg Harbor Township, Hamilton Township & Town of Hammonton
- Application No. 1986-1336.004 – Monroe Township
Demolition of an existing fire station and the construction of a 17,811 square foot fire station.
Monroe Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Evesham Township's 2021 Amended Housing Element and Fair Share Plan
- Pemberton Township Ordinances 31-2021 and 38-2021

7. Presentation: Progress Report from the Commission's Science Office

8. General Public Comment

9. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)

10. Adjournment

Upcoming Meetings

Fri., Feb. 25, 2022	Policy & Implementation (P&I) Committee Meeting (9:30 a.m.)
Fri., Feb. 25, 2022	Climate Committee Meeting (following the P&I Committee meeting)
Tues., March 1, 2022	Personnel & Budget Committee Meeting (9:30 a.m.)
Fri., March 11, 2022	Pinelands Commission Meeting (9:30 a.m.)

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.

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Disclaimer

These minutes reflect the actions taken by the Commission during its February 11, 2022 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 February 22, 2022.

PINELANDS COMMISSION MEETING

MINUTES

February 11, 2022

The February 11, 2022 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: https://www.youtube.com/watch?v=L90XMrsLn_Q

Commissioners Participating in the Meeting

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

Commissioners Absent

Daniel Christy, Shannon Higginbotham, Jane Jannarone & Gary Quinn.

Call to Order

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

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

DAG Seminoff administered the Oath of Office to John Holroyd Jr., who was recently appointed to the Commission by Camden County.

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's January 14, 2022 meeting. Commissioner Lloyd moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the January 14, 2022 Commission meeting were adopted by a vote of 9 to 0. Commissioner Holroyd abstained from the vote.

Recognizing Past Commissioners

Chair Matos introduced the following two resolutions regarding former Commissioner D'Arcy Rohan Green and Chairman Richard Prickett.

Commissioner Lohbauer made a motion to adopt a resolution Expressing the Commission's Appreciation to D'Arcy Rohan Green for her Service as a Member of the Commission From June 29, 2011 to January 7, 2022 (See Resolution # PC4-22-05). Commissioner Lloyd seconded the motion.

Acting ED Grogan read the resolution into the record.

Commissioners Lohbauer and Lloyd expressed their thanks to Commissioner Rohan Green for the time she spent serving as member of the Commission.

The Commission adopted the resolution by a vote of 10 to 0.

Commissioner Lohbauer made a motion to adopt a resolution Expressing the Commission's Appreciation to Richard H. Prickett for his Service as a Member of the Commission From January 9, 2012 to January 7, 2022 (See Resolution # PC4-22-06). Commissioner Lloyd seconded the motion.

Acting ED Grogan read the resolution into the record.

Commissioner Lohbauer thanked Mr. Prickett for his terrific service to the State.

Commissioner Lloyd expressed his appreciation for Mr. Prickett's dedicated service to the Pinelands and for leading the Commission through some difficult times. He noted that Mr. Prickett is extremely knowledgeable and that he considers him to be a valued friend.

Commissioner Avery said that he had worked closely with Mr. Prickett during his time as Chairman. He said that Mr. Prickett is a man of integrity and dedication and that he hopes Mr. Prickett will continue to participate in Pinelands matters.

Commissioner Irick said that Mr. Prickett was a dedicated Pinelands Commissioner. He noted that Mr. Prickett always provided opportunities for the public to participate.

Chair Matos expressed her thanks to both former Commissioners for their service.

The Commission adopted the resolution by a vote of 10 to 0. An image of the gifts for the former Commissioners was displayed on the screen.

Committee Reports

There were no Committee meetings to report on.

Vice Chairman Avery noted that application fees are up and the Commission has received 125% of the estimated fees for Fiscal Year (FY) 2022. He added that he will be traveling at the end of February, and the March 1st Personnel & Budget Committee will be canceled. He requested that a grant application to the New Jersey Historic Trust for Fenwick Manor be considered by the full Commission at its March 11th meeting.

Chair Matos said she supported consideration of the resolution at the Commission's March meeting.

Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

- Staff is preparing a grant application that would provide funding to create a Preservation Plan for Fenwick Manor. The application will be submitted to the New Jersey Historic Trust. As part of that application, staff is seeking letters of support. Staff has also submitted a memo and photographs of Fenwick Manor to the Governor's office as part of a request for a special appropriation for the building in the Fiscal Year 2023 budget.
- On February 7th staff held an in-person orientation for new Commissioners and Janice Venables, who is the interim representative from the Governor's Authorities Unit. A member of each office provided an overview of its work and functions.
- The Policy & Implementation (P&I) Committee and Climate Committee will hold back-to-back meetings on February 25th. The P&I Committee will be discussing a resolution of support related to the Pinelands Municipal Council. The Council met on January 26th and adopted a resolution thanking the Governor for restoring Payment In Lieu of Taxes (PILOT) funding in FY 2022 and requesting that the funding be continued in future fiscal years.
- Shawn LaTourette, the Commissioner of the New Jersey Department of Environmental Protection (NJDEP), will be attending the March Commission meeting to provide information on the Department's current projects such as climate change, environmental justice initiatives and coordination efforts in working with the Commission.

- The State Planning Commission's Interagency Task Force will be meeting on February 14th to discuss the growing interest in warehouse development in New Jersey. The Pinelands Area has seen an uptick in the development of warehouse applications, and it could be related to the increase in application fee revenue.
- Commissioner Christy has been reappointed by Gloucester County for another three-year term.

Chair Matos said she will chair the P&I Committee and added that she will contact both new and existing Commissioners regarding their Committee interest. She added that she hopes to have this process complete before the March 25th Committee meetings.

Commissioner Irick suggested inviting legislative representatives from the seven Pinelands counties to tour Fenwick Manor so they can see the disrepair and understand why the Commission is requesting the special appropriation.

Chair Matos agreed with Commissioner Irick's suggestion and said we need to reach out to our advocates as we approach the budget process.

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

- Staff continues to review several applications for the installation of solar energy facilities on landfills. The landfills must be capped before the solar facilities can be installed. The application needs to meet the Comprehensive Management Plan's (CMP) standards for wetland protection, threatened and endangered species and water quality. Staff is currently reviewing a residential development project immediately adjacent to an uncapped landfill in the Borough of South Toms River.
- Some applications that appear straightforward can sometimes require research into the New Jersey Municipal Land Use Law (MLUL). Staff recently reviewed an application for a day care facility within an existing single-family dwelling that may not require an application to the Commission based on a provision in the MLUL.
- During the public comment portion of the meeting, the Commission may hear from some residents of Estell Manor City concerning a recreational vehicle use matter on a privately owned parcel. Staff members have been in contact with the property owner's attorney, and the owner is not permitting staff to site inspect the parcel. The Estell Manor solicitor does not believe that a violation has occurred.

Stacey Roth, the Commission's Chief of Legal and Legislative Affairs, said that Public Law 2021, c. 313 authorizes municipalities through the adoption of an ordinance, to designate all-terrain vehicles (ATVs) or dirt bikes as contraband and subject to forfeiture if it is determined that the ATV or dirt bike is being unlawfully operated on any public street, highway, or right-of way and is an immediate threat to the public health, safety, and welfare.

Acting ED Grogan asked if the municipalities are required to adopt the ordinance and if the new law applies only to roads and rights-of-way

Ms. Roth said the law does not require municipalities to adopt the ordinance, but should they choose to do so, they only have two remedies: forfeiture or destruction in accordance with state law. She said that the law appears to apply only to municipal roads and municipal rights-of-way, not to other municipally owned lands.

Commissioner Lohbauer asked if it would be possible for staff to draft a model ordinance for this law to share with the Pinelands Municipal Council.

Acting ED Grogan said staff will review the law in more detail to determine if the Commission's involvement with a model ordinance would be helpful or appropriate. She noted that staff is also reviewing a model ordinance that the Department of Community Affairs sent out to all municipalities regarding electric vehicle charging stations.

Paul Leakan, the Commission's Communications Officer, said that a new Climate Change webpage has been launched on the Commission's website. He then screen-shared the new webpage, while describing its purpose and importance.

Mr. Leakan also noted that the Commission hosted a webinar on the agency's new stormwater management rules on February 9th. More than 100 people livestreamed the webinar. He also provided an update on the project to install a rain garden at the Commission's headquarters, and he provided information about the Pinelands Short Course. Lastly, he said staff is working diligently on the 2021 Annual Report.

Discussion on the reconsideration of NJDEP's Applications

Chair Matos said the Commission received a request from the NJDEP for the reconsideration of two applications: the Bass River Forest Fire Tower Maintenance project and the Allen and Oswego Road Fire Mitigation and Habitat Restoration project. She said it is her understanding is that the staff recommended approval of both applications last year. She said both applications were considered at Commission meetings at which only eight members were in attendance, and neither application received all eight votes necessary for approval. She said that it was important that this morning's discussion focus on a potential reconsideration process, not the substance of either application.

Acting ED Grogan said a letter from Commissioner LaTourette, requesting reconsideration of NJDEP's two applications, was distributed to Commissioners on February 9th. She said at the time of consideration, some Commissioner raised questions about the applications. The Commission struggled with attendance, including obtaining and keeping a quorum during the time when both applications were on the agenda. The Commission was left in an unusual predicament. The CMP and the Pinelands Protection Act never anticipated only having eight members voting. The Commission staff recommended approval of the applications. Commissioners voted on the applications and there were neither eight votes in

favor nor against the proposals. She noted that the only recourse would be sending the applications to the Office of Administrative Law (OAL), and that is not appropriate in this instance. The NJDEP requested that the applications be heard again now that the Commission has nearly a full complement of Commissioners. She noted that any applicant has the right for its application to be heard by the full Commission especially when it is another state agency and where a health and safety concern exists. She said the Commission needs to decide if the applications should be acted on in their current form or some revised form and receive eight votes one way or another. The CMP does not lay out a process for instances such as this one.

Chair Matos said in the NJDEP letter the Department requested the Commission take action by February 25th. She requested when responding back to the Department that an explanation be included as to why that is not possible.

Commissioner Lohbauer said when the Commission acted on the NJDEP applications, a quorum of the Commission was present. He said that when an application is denied, the applicant can go to OAL or resubmit an application to the Commission that is materially different than the original. He suggested the NJDEP modify the applications to make them acceptable and resubmit them so the Commission can vote on them again.

Commissioner Lloyd said he did not believe two state agencies should have to go to OAL to settle a matter, although he does believe it could be settled in that manner. He asked if Robert's Rules of Order would allow the application to be heard at the March Commission meeting and could that be a potential reconsideration mechanism.

Ms. Roth said Robert's Rules states that someone who voted against the application has to raise the matter for reconsideration. She said eight Commissioners equals a quorum. However, for an action to occur, there must be either eight votes in favor of an application or eight votes against an application, and the NJDEP application had neither. She noted that what occurred with the NJDEP applications is very rare. She suggested the Commission could decide to limit reconsideration requests to applications that did not receive eight votes in favor or against.

Commissioner Lloyd said he recalls at the time staff requested the Commissioner take a vote on the applications rather than tabling them. He said the motion failed.

Ms. Roth said if the Commission fails to approve the Executive Director's Report, the matter goes to OAL. The applicant has asked the Commission to hold the applications before transferring to OAL. She said there is nothing in the CMP that explicitly states the process to reconsider.

Commissioner Irick said he abstained from voting on the NJDEP applications although he voted in favor of the prior application for clear cutting surrounding the Bass River Fire Tower. He said the applicant failed to provide responses to his questions related to the type of herbicide being proposed and how the invasive species in the wetlands would be treated.

He said the applicant should withdraw the applications, address the questions raised by Commissioners and resubmit the applications.

Acting ED Grogan asked Director Horner to describe the process and timeframe required for a public development application to be resubmitted and considered by the Commission.

Director Horner explained that the applicant would refile its application and pay the associated fee. Staff review would likely take about 60 days. He said once the application is deemed complete, the application would be scheduled for public comment at a monthly Commission meeting. He said depending on the comment received, the Commission could act on the application at the following month's meeting. He estimated the process could take four months.

Commissioner Irick said he believed that the Bass River Forest Fire Tower Maintenance project could be resolved with some clarification from the NJDEP.

Commissioner Lohbauer reminded everyone that he asked the NJDEP if they had discussed the fire break clearing with herpetologists who have been conducting snake studies in the vicinity of the proposed clearing for years. He said the Department said it had not discussed the proposal with them.

Commissioner Irick said he did not like having to review forestry applications on a piecemeal basis. He said he would prefer that the Department prepare and submit a comprehensive plan for forest fire mitigation.

Chair Matos said based on the comments, it seems that additional information needs to be submitted for the Allen and Oswego Road Fire Mitigation and Habitat Restoration project. She added that she believes the Bass River application could be heard at the March Commission meeting.

Chair Matos asked for a motion to reconsider NJDEP's application for the Bass River Forest Fire Tower Maintenance project at the March 11, 2022 Commission meeting.

Commissioner Pikolycky made a motion. Commissioner Avery seconded the motion.

Acting ED Grogan said that she and Director Horner met with NJDEP prior to their submission of the letter. She said the applications and OAL process were discussed at the meeting. She said she let the NJDEP know that the Commission would be discussing the applications at today's meeting and invited them to attend but they had a conflict.

Commissioner Irick requested that Acting ED Grogan ask the NJDEP if it planned to spray herbicide in wetlands.

Commissioner Lloyd said based on this motion it seems the Commission can move to reconsider any application at any time. He asked Ms. Roth for verification.

Ms. Roth said the CMP does not provide guidance in situations such as these; however, applicants have the right to ask for reconsideration. She said it depends if the changes being made to the application are minor adjustments or substantive changes whether an application should be reopened.

DAG Seminoff said his office has not had a chance to review the process issues related to the NJDEP's request to reconsider the two applications. He said it is fine to move forward with the motion today; however, it may be necessary to meet in executive session at the next Commission meeting before any consideration by the Board.

Commissioner Lohbauer said he thinks the appropriate course of action would be for the NJDEP to resubmit its applications. He said once a matter is decided, it's decided. He said the Commission should follow a clear process. He said this opens the door for any applicant with a failing application to come back before the Commission.

Commissioner Holroyd asked if the new Commissioners could participate in the vote.

Acting ED Grogan said however the Commissions proceeds with the two applications, new Commission members would be eligible to participate in the vote.

Chair Matos requested that the vote be called.

Acting ED Grogan called the vote:

Commissioner Avery: yes

Commissioner Holroyd: yes

Commissioner Irick: no

Commission Lettman: abstain

Commissioner Lloyd: yes

Commissioner Lohbauer: no

Commissioner McCurry: yes

Commissioner Meade: yes

Commissioner Pikolycky: yes

Chair Matos: yes

The motion does not carry.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution recommending approval for a geothermal well at Batsto Mansion and road improvements at the Burrs Mill Road and Retreat Road intersection in Southampton Township.

Commissioner Lloyd made a motion Approving With Conditions Applications for Public Development (Application Numbers 1985-0160.014 & 2006-0305.004) (See Resolution # PC4-22-07). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Holroyd abstained from the vote.

Chair Matos said the next resolution is for two Waiver of Strict Compliance applications, with each proposing the development of a single-family dwelling.

Commissioner Pikolycky made a motion Approving With Conditions Applications for Waivers of Strict Compliance (Application Numbers 1989-0461.003 & 1995-1379.001) (See Resolution # PC4-22-08). Commissioner Lloyd seconded the motion.

Director Horner said when an applicant cannot meet certain standards of the CMP, they can apply for a Waiver of Strict Compliance to develop. However, he said certain minimum standards must be met in order to qualify for a waiver. In the instances today, both applicants could not meet the required 300-foot buffer to wetlands.

The Commission adopted the resolution by a vote of 10 to 0.

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

Chair Matos read the list of applications up for comment. No comment was provided.

Ordinances Not Requiring Commission Action

Acting ED Grogan said staff reviewed the following master plan and ordinance amendments, and they do not raise any substantial issues with the CMP and therefore do not require any formal action by the Commission:

- Evesham Township's 2021 Amended Housing Element and Fair Share Plan
- Pemberton Township Ordinances 31-2021 and 38-2021

Presentation

John Bunnell, the Commission's Chief Scientist, gave a presentation on past Science Office research topics and the status of current research projects. He described the Endocrine Disruption Study and the Microorganism Study and noted they are coming to an end in 2022. He discussed two ongoing environmental monitoring projects that focus on routine measuring of forest and pond water levels and the annual sampling of a group of streams for water quality monitoring. He then described the multifaceted snake research program that includes studies of snake genetics, snake fungal disease, and in-depth studies of corn snake and kingsnakes. with a goal of establishing long-term monitoring of snake populations. Lastly, he described the two developing initiatives, which are a study of box turtles and research on the use of environmental DNA to detect rare snakes. (See presentation slides for additional details)

General Public Comment

Rhyan Grech from the Pinelands Preservation Alliance commended the Commission's Science office for the extensive and great research they are working on. She said the NJDEP did not gain approval for its applications, which were discussed extensively by the Commission at the time of consideration. She said the NJDEP should reapply to the

Commission. Lastly, she urged the Commission to continue its efforts to hire an Executive Director.

Julie Akers of Newtonville, NJ, said she appreciates the attention that the Commission and staff have afforded to Off-Road Vehicle (ORV)-related issues and for assisting in a motorized vehicle matter in Estell Manor. She added that the Commission may not have enforcement capabilities, but its involvement in matters is very meaningful. She said the local residents in Estell Manor should be commended for developing a petition and putting themselves on the front line. She thanked the Commission for hearing those residents.

Kathy Gerrick of Estell Manor said she emailed a petition opposing the establishment of the motor cross track in Estell Manor. She said numerous bikes are running from morning to night, and she can hear them inside her home. She is hopeful that the Pinelands Commission can assist residents with the issue.

Fred Akers of the Great Egg Harbor Watershed Association said the Pinelands Infrastructure Fund could use additional money, and the NJDEP has infrastructure money to provide. He said the Commission does a great job providing updates in the monthly management report. He said he would like to see a copy of the Pinelands Municipal Council's resolution supporting PILOT so the Great Egg Harbor River Council can draft a similar resolution. He said he is excited for the Pinelands Short Course, which he has registered for this year.

Jason Howell from the Pinelands Preservation Alliance said he understands the Commission's wish to work with applicants, especially the NJDEP. However, he said the Commission's role is to manage both local and national interests. He said the NJDEP needs to be held to a higher standard and needs to work with stakeholders. He added that he supports the residents of Estell Manor who want to maintain their quality of life, free of pollution and noise from unpermitted motorized vehicle parks.

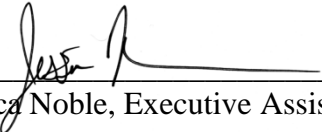
Jamie Philpot said the recent legislation regarding illegal ATV use is not going to be effective. She said the Commission needs to work with State Park Police and local municipalities for cooperative use of the forest. She said she is a member of the New Jersey Trail Riders association and the damage caused by ORV use is a hazard to horses and riders.

Paula Yudkowitz said she does not support the use of herbicide at the Bass River Fire Tower. She said that invasive species should have been considered by NJDEP when it proposed clearcutting around the tower. She said this is not good science or forest management.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 12:16 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: February 22, 2022



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SUSAN R. GROGAN
Acting Executive Director

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

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PINELANDS COMMISSION MEETING

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Commissioners Participating in the Meeting

Alan W. Avery Jr., Shannon Higginbotham, Jerome H. Irick, Theresa Lettman, Ed Lloyd, Mark Lohbauer, Jonathan Meade, Davon McCurry, William Pikolycky and Chair Laura E. Matos. Also participating were Acting Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Nicolas Seminoff and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Daniel Christy, Jane Jannarone & Gary Quinn.

Call to Order

Chair Matos called the meeting to order at 9:36 a.m.

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

DAG Seminoff administered the Oath of Office to the following three new gubernatorial appointees: Theresa Lettman, Laura Matos and Davon McCurry.

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's December 10, 2021 meeting. Commissioner Lloyd moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the December 10, 2021 Commission meeting were adopted by a vote of 8 to 0. Commissioner Lettman and Commissioner McCurry abstained from the vote.

Committee Reports

There were no Committee meetings to report on.

Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

- To curb the recent surge in COVID-19 cases, the staff is currently back to a hybrid remote workplan that consists of two days in the office and three days working from home. This schedule will remain in effect through the end of January.
- A meet-and-greet will be scheduled for the new Commissioners, and it will include a tour of the Commission office and a brief orientation about the variety of matters that are currently before the Commission, including an overview of the application process.
- The final stages of the recruitment process are taking place to fill the six or so vacancies, which include checking applicants' references.
- At the end of 2021, staff updated the Climate Committee and full Commission of its application to the NJ Board of Public Utilities (BPU) for a local government energy audit. The Commission's application has been selected and consultants working on behalf of BPU will be visiting the Commission's office to gather further information to complete the findings report, which will include specific recommendations and improvements.
- Fenwick Manor, which is part of the Commission's offices, remains in need of repair and painting. Staff Archaeologist Tony McNichol is working on a grant application to receive a comprehensive historic structure report for Fenwick Manor. The grant will be submitted to the New Jersey Historic Trust. Staff is also working with the Governor's Authorities Unit to request a special appropriation in the Fiscal Year 2023 budget for repairs to Fenwick Manor.
- The stormwater rules, which were adopted by the Commission in December 2021, will be published in the New Jersey Register on January 18, 2022. The next step for the Commission is to notify all Pinelands municipalities and prepare draft model

ordinances that the towns will need to adopt over the next year. In February, staff will showcase the new stormwater rules as part of the Commission's webinar series.

- Staff has recently made great strides with the amendments related to groundwater withdrawal and water supply commonly referred to as our Kirkwood-Cohansey rules. We have reached an agreement with the U.S. Geological Survey (USGS) to assist in implementing the new rules. The USGS will provide a technical review for applications for new wells. This agreement will allow the rules to move forward. The next step is to share a draft with the Policy and Implementation Committee and then the full Commission.
- The Pinelands Development Credit Bank processed a large severance of Pinelands Development Credits (PDCs) that resulted in the permanent deed restriction of 1,128 acres in the Special Agricultural Production Area in Bass River Township and the issuance of 129 development rights (or 32.25 PDCs). The PDCs are listed for sale on the sellers' list. The price of a quarter credit is currently in the \$20,000-\$25,000 range.

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

- The Commission recently issued a Certificate of Filing, and, subsequently, a letter indicating the municipal permits can take effect, for a 3,500-square-foot medical marijuana dispensary in Hamilton Township. Staff has been receiving many inquiries about cannabis facilities in the past few months.
- Staff is working on several landfill closure applications associated with the development of solar energy facilities. They are located in Woodbine Borough, Pemberton Township, Berkeley Township and Southampton Township. He noted that these applications present a challenge for staff because threatened and endangered (T&E) species must be protected and so must the groundwater quality. The landfill in Southampton Township (Big Hill) is capped and did not raise any T&E concerns. Staff will be issuing a Certificate of Filing for the development of a 26-acre solar facility on top of that capped landfill.

Staff confirmed for Commissioner Irick that the solar panels would be installed on a ballast foundation since the cap at Big Hill landfill cannot be penetrated.

Stacey Roth, the Commission's Chief of Legal and Legislative Affairs, said she also serves as the Commission's Ethics Liaison Officer (ELO). She encouraged the new Commissioners to contact her if they have any questions. She advised that she reviews legislation as it relates to Pinelands matters and Pinelands municipalities.

Paul Leakan, the Commission's Communications Officer, noted that registration is now open for the 33rd annual Pinelands Short Course, which will be held at Stockton University's main campus on March 12th. He said the event will feature 31 presentations,

including 15 new programs.

Mr. Leakan also noted that Acting Executive Director Grogan has signed an agreement to work with the Rutgers Cooperative Extension on a project to install a rain garden at the Commission's headquarters. He said Rutgers will provide more details about the project in the coming weeks.

Commissioner Lohbauer asked if there will be a virtual option for the Short Course. Mr. Leakan said he will ask Stockton University about that possibility.

Public Development Projects and Other Permit Matters

Chair Matos introduced the first resolution, an application submitted by Hamilton Township and Atlantic County for the replacement of two existing water control slide gates.

Commissioner Lloyd made a motion Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0421.013) (See Resolution # PC4-22-01). Commissioner Lohbauer seconded the motion.

Director Horner said staff determined that an application was necessary for the water control gates due to their size (19.5 feet in width). The County is planning to repair the main dam at Lake Lenape and the control gates will regulate the lower lake level during rehabilitation. A Certificate of Appropriateness is necessary to document the historic significance of the existing powerhouse before the modification occurs.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Meade abstained from the vote.

Chair Matos said the next resolution is for a public park in Egg Harbor City.

Commissioner Higginbotham made a motion Approving With Conditions an Application for Public Development (Application Number 2010-0008.006) (See Resolution # PC4-22-02). Commissioner Lohbauer seconded the motion.

Director Horner said the park will be located on a 6,000 square foot lot at the intersection of Philadelphia Avenue and the White Horse Pike. He noted that the park was constructed prior to the completion of an application. He said the action today will resolve the matter. He said the park will include some benches and a few walkways.

Commissioner Lohbauer asked why the city didn't apply to the Commission for the park.

Director Horner said it was probably an oversight. He said some things are not always conveyed between elected officials and a public works department.

The Commission adopted the resolution by a vote of 10 to 0.

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

Chair Matos read the list of applications up for comment.

Rhyan Grech of the Pinelands Preservation Alliance welcomed the new Commissioners. She provided comments as to why the Commission should not grant the request for an extension of time to the South Jersey Transportation Authority (SJTA). She said the Commission may enter into a Memorandum of Agreement (MOA) with another agency to permit development not consistent with the Comprehensive Management Plan (CMP) so long as there is an equivalent level of protection of the resources of the Pinelands. She said the 2019 amendment to the 2004 SJTA MOA permitted the removal of the Grassland Conservation Management Area (GCMA). She said SJTA is requesting an extension of time for the following: creation of the new GCMA, recordation of a deed restriction and completion of a frosted elfin butterfly project. She said the 2019 Amendment MOA does not allow for these extensions.

Ordinances Not Requiring Commission Action

Acting ED Grogan said all Pinelands municipalities are required to submit any adopted land use ordinances to the Commission for review. She said very few rise to the level of needing formal Commission action. She said there aren't any on today's agenda but there will be in the coming months.

She read the list of ordinances listed on today's agenda that do not require action.

- Barnegat Township 2021 Master Plan Reexamination Report
- Barnegat Township Ordinance 2021-23
- Hamilton Township Ordinance 1973-2021
- Vineland City Ordinance 2021-71

She explained that each month a memo is provided to Commissioners summarizing each ordinance that does not require Commission action.

Other Resolutions

Chair Matos said next on the agenda is a presentation regarding SJTA and an existing MOA.

Acting ED Grogan said Ms. Roth and Stephen M. Mazur, Chief Engineer for SJTA, will be providing the details and obligations of the agreement and the accomplishments thus far, including why it is necessary to request the extension.

Ms. Roth described how SJTA was formed and the role Atlantic City Airport played in the creation of the original 2004 MOA. The Airport wanted to carry out activities that were not

consistent with the Pinelands CMP. She provided a summary of how and when the Pinelands Commission can enter into MOAs. She explained the details of the 2004 MOA (see attached presentation slides) including the development projects that were completed at the airport. An offset measure of the 2004 MOA was the creation of the original Grassland Conservation Management Area (GCMA) for threatened and endangered (T&E) bird species: the upland sandpiper and the grasshopper sparrow. Soon after the 2004 MOA was in place, the Federal Aviation Administration (FAA) issued a circular letter prohibiting the establishment of T&E habitat at airports. She said it wasn't until years later that discussions began about removing the GCMA after the FAA raised concerns with SJTA regarding bird strikes to both commercial and military airplanes. On April 12, 2019, the Commission authorized the first amendment to the MOA, which is referred to as the AMOA. The AMOA allowed for elimination of the GCMA on the Airport property. Ms. Roth reviewed the obligations set forth in the AMOA. The SJTA must provide funding to the Commission for land acquisition, with a concentration on grassland bird habitat, if possible. SJTA was also required to acquire a site larger than 62 acres for a new GCMA because the upland sandpiper requires a large swath of land with no structures within a certain distance.

Ms. Roth said finding a site that met the requirements for the new GCMA was a challenge and the COVID-19 pandemic provided additional challenges for SJTA. Both the Executive Director and the Commission previously authorized extensions to the acquisition deadlines. She said in December 2020, Atlantic County acquired land for the new GCMA. She reviewed the provisions of the AMOA for the frosted elfin butterfly that colonized on the airport property and the enhancement project, which requires the planting of wild indigo.

Lastly, Ms. Roth said that should the terms of the AMOA become suspended due to failed payment, a delay in acquiring a new GCMA or a delay in the creation of the frosted elfin butterfly habitat, SJTA can still proceed with development projects by applying to the Commission through the normal public development process, so long as all T&E standards can be met. She added that SJTA cannot move forward with the development projects specified in the MOAs if it cannot meet certain deadlines in the agreement.

Commissioner Lloyd asked if there were any pending applications before the Commission by SJTA.

Ms. Roth said an application for four new wind cones at the Atlantic City Airport was on the agenda for public comment during the November Commission meeting.

Commissioner Lloyd asked if there is any development that is now suspended because of failure to meet the deadlines outlined in the MOA.

Ms. Roth said mowing of the GCMA cannot occur and the development of a hotel/conference center is also suspended. She explained how SJTA can come back into compliance when the AMOA becomes suspended due to missed deadlines.

Mr. Mazur said SJTA has made four payments to Commission totaling \$2 million. He said SJTA was also tasked with acquiring an appropriately sized cleared parcel in Atlantic County for the development of the new GCMA. SJTA partnered with Atlantic County, which used open space funds to purchase the old Royal Casino horse farm along the Atlantic City Expressway. He said the property has not yet been deed restricted because the County has requested that SJTA first receive all its permits and approvals for the development of the GCMA. SJTA has been actively developing its plans for the new GCMA after meeting with the P&I Committee in April 2021. He said the pandemic has slowed progress but SJTA has continued to make advancements, which he detailed. He said the FAA approved the Airport Layout Plan for the Atlantic City Airport, and the plan included certain conservation elements. Mr. Mazur described the setback with the wild indigo crop, which was key for the frosted elfin butterfly habitat enhancement project. He noted SJTA's ingenuity of finding and growing the crops elsewhere, so they would be available to plant on the airport property.

Mr. Mazur closed by reiterating the next steps: obtaining Commission approval and permits from the New Jersey Department of Environmental Protection (NJDEP) for the development of the new GCMA, filing the Deed of Conservation Restriction (DCR) when the time comes, and additional planting of wild indigo this coming summer at the enhancement site on airport property. Mr. Mazur said not all development at the airport is affected by the suspension of the AMOA and clarified that the wind cone project is not part of the AMOA.

Commissioner Lohbauer asked what types of development will occur to create the new GCMA.

Mr. Mazur said there are a few pockets of trees that need to be removed or the birds will not nest. He said wildlife fencing will be installed to prevent predators from gaining access to the property. He said the advisory committee has selected a variety of grass species that will be planted on the property.

Commissioner Lohbauer asked for an estimation of time as to when the Deed of Conservation Restriction (DCR) will be recorded.

Ms. Roth said staff is in the process of reviewing the application for the new GCMA and once that is approved, staff will work with Atlantic County on the development of specific DCR language. The county does not want to move forward with a DCR prior to understanding the stipulations related to the maintenance of the new GCMA.

Ms. Roth further clarified that the mowing at the existing GCMA cannot occur until SJTA is back in compliance with the stipulations of the AMOA.

Commissioner Lloyd asked if the mowing needs occur, when would that need to happen based on FAA guidelines.

Mr. Mazur said he believes the date is April 1.

Commissioner Lloyd raised concerns with the extensions being pushed too far into the future.

Ms. Roth advised that they can be adjusted as the Commission feels necessary.

A discussion took place regarding the amount of time the new GCMA will take to create. Mr. Mazur said the monitoring and maintenance of the site will continue in perpetuity. He said reporting is required to the Commission and invasive species will need to eventually be treated at the site. Ms. Roth added that is very hard to predict how long the process to create the new GCMA will take and it's hard to compare the original enhancement GCMA project at the airport to the creation of the new GCMA on the former horse farm.

Commissioner Lohbauer said this Commission has an obligation to the public and the CMP and he would like to see the extension of time for the creation of the new GCMA be shortened.

Chair Matos requested a motion for the actual resolution since the presentation was finished.

Commissioner Lohbauer made a motion Authorizing an Extension of the Time Period by Which the South Jersey Transportation Authority Must Complete Obligations Pertaining to the New Grassland Conservation and Management Area and Frosted Elfin Butterfly Enhancement Project as Required by 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 (See Resolution # PC4-22-03). Commissioner Avery seconded the motion.

Commissioner Lloyd made a motion to amend the resolution to shorten the extension of the deadline for the creation of the new GCMA from April 16, 2026 to April 16, 2024. Commissioner Lohbauer seconded the motion.

Nine Commissioners voted in favor of the motion to amend the resolution and Commissioner Lettman voted no. The motion to amend the resolution passed.

Commissioner Lettman asked if the amount of time to enhance the habitat for the frosted elfin butterfly was realistic.

Ms. Roth said based on the quantity of the plantings and preparations SJTA described, the time frame is realistic.

Commissioner Avery asked if the horse farm purchased by Atlantic County with open space funds has been placed on the Recreational and Open Space Inventory (ROSI).

Ms. Roth confirmed that the property is listed on the ROSI.

Commissioner Avery said the DCR will provide an extra level of protection.

Ms. Roth said that is correct since the Commission's DCR is more limiting as to what can be done on the parcel.

Commissioner McCurry asked if Mr. Mazur had a response to the change in deadline for the creation of the new GCMA.

Mr. Mazur said he had no objection.

Chair Matos called the vote on the amended resolution.

The Commission adopted the resolution by a vote of 10 to 0.

Chair Matos introduced the last resolution, to Accept the Fiscal Year 2020 Audit Report.

Commissioner Pikolycky made a motion To Accept the Fiscal Year 2020 Audit Report (See Resolution # PC4-22-04). Commissioner Avery seconded the motion.

Commissioner Avery noted that once again there were no findings in the audit report. He thanked Brian Logan and Mike Mansdoerfer, who serve as the public members of the Audit Committee.

The Commission adopted the resolution by a vote of 10 to 0.

General Public Comment

Carleton Montgomery of the Pinelands Preservation Alliance congratulated the newest members of the Commission, especially Theresa Lettman, whom he said has worked so hard over the years to protect the Pinelands. He said no one is more deserving. He added that the Commission has a lot of work to do related to water supply protections, climate change and land stewardship.

Other

Commissioner Pikolycky requested that staff provide guidance on the recently signed legislation regarding all-terrain vehicles and how it relates to Pinelands municipalities.

Commissioner Lohbauer said the next Climate Committee meeting will be held on February 25th and the Committee will discuss climate-related amendments to the CMP. He encouraged the public to provide their input.

Acting ED Grogan clarified that the Climate Committee will be discussing a resolution that will include climate-related goals and objectives. Staff is not currently working on CMP amendments to present to the Committee.

Acting ED Grogan added that the Commission has three Committees: the CMP Policy & Implementation Committee, the Personnel & Budget Committee and the Climate Committee. All three Committees have scheduled meeting dates for 2022. She said the Chair will be reaching out to new Commissioners in order to determine who has an interest in serving on one of these committees.

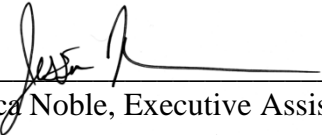
Commissioner Avery welcomed the new Chair and Commissioners. He said outgoing Chairman Rick Prickett was a dedicated member of this Commission and he will be missed.

Commissioner McCurry and Chair Matos thanked the Senate and Governor for the opportunity to serve as a member of the Pinelands Commission.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 11:47 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: January 31, 2022



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-01

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0421.013)

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and Certificate of Appropriateness and the recommendation of the Acting Executive Director that the following application be approved with conditions:

1990-0421.013
Applicant: Atlantic County & Hamilton Township
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: December 22, 2021
Proposed Development: Replacement of two existing water control slide gates

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Acting Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0421.013 for public development and a Certificate of Appropriateness is hereby approved subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

Table with 14 columns (AYE, NAY, NP, A/R*) and 5 rows of member votes (Avery, Christy, Higginbotham, Irick, Jannarone, Lettman, Lloyd, Lohbauer, Matos, McCurry, Meade, Pikolycky, Quinn).

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 14, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

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

December 22, 2021

Peter J. Miller, Administrator (via email)
Hamilton Township
5101 13th Street
Mays Landing, NJ 08330

Douglas DiMeo (via email)
Atlantic County
1333 Atlantic Avenue
Atlantic City, NJ 08401


Re: Application # 1990-0421.013
Block 730, Lots 5.01 & 5.02
Hamilton Township

Dear Applicants:

The Commission staff has completed its review of this application for the replacement of two water control slide gates associated with an existing powerhouse building located on the Lake Lenape Dam. The powerhouse building was previously utilized to generate hydroelectric power. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 14, 2022 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Amanda Mendoza (via email)
Darren Stanker (via email)
Hans Hasnay, PE (via email)



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Chairman
SUSAN R. GROGAN
Acting Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT
AND CERTIFICATE OF APPROPRIATENESS

December 22, 2021

Peter J. Miller, Administrator (via email)
Hamilton Township
5101 13th Street
Mays Landing, NJ 08330

Douglas DiMeo (via email)
Atlantic County
1333 Atlantic Avenue
Atlantic City, NJ 08401

Application No.: 1990-0421.013
Block 730, Lots 5.01 & 5.02
Hamilton Township

This application proposes the replacement of two water control slide gates associated with an existing powerhouse building located on the Lake Lenape Dam. Each slide gate is approximately 19.5 feet in width. The powerhouse building was previously utilized to generate hydroelectric power. The proposed development is located on the above referenced 5.08 acre parcel in Hamilton Township.

The applicant has indicated that the existing Lake Lenape Dam and the main spillway for that dam require rehabilitation. During rehabilitation of the main dam spillway, the proposed replacement of the two water control slide gates associated with a second spillway that directs water to the existing powerhouse building will provide an alternate method of controlling the lake level.

The powerhouse building still contains turbines, generators and internal piping. The applicant proposes the removal of this existing equipment and the renovation of the interior of the powerhouse building.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28)

The proposed development is located in a Pinelands Regional Growth Area. The proposed replacement of two water control slide gates is permitted in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.13)

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The two proposed replacement water control slide gates will be located within wetlands and the required buffer to wetlands. The proposed replacement of the water control slide gates will result in the disturbance of approximately 0.005 acres of wetlands. The CMP permits linear improvements, such as dams, in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed replacement of the two water control slide gates that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the proposed replacement of the two water control slide gates will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The proposed replacement of the water control slide gates is necessary to provide for the future rehabilitation of the main dam spillway. The applicant has demonstrated the need for the proposed replacement of the two water control slide gates overrides the importance of protecting the concerned wetlands.

The proposed wetlands disturbance requires a Freshwater Wetlands Permit under the New Jersey Freshwater Wetlands Protection Act.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing developed area and open water. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The Lake Lenape Dam is located in the Mays Landing Historic District. The dam and the powerhouse building were constructed in the 1920's to provide hydroelectric power to a nearby cotton mill.

Based upon its listing in the National and State Registers of Historic Places, the Mays Landing Historic District is designated by the Pinelands Commission as an historic resource of significance to the Pinelands. The cultural resources standards of the CMP (N.J.A.C. 7:50-6.156(a)2 and 4) require that a Certificate of Appropriateness be issued by the Pinelands Commission when development proposed by a County agency will involve a Commission designated historic resource (N.J.A.C. 7:50-6.154).

The CMP provides that a Certificate of Appropriateness shall not be required for routine repair or maintenance. The proposed replacement of the two water control slide gates does not constitute routine repair and maintenance. The CMP also provides that a Certificate of Appropriateness shall not be required for interior building renovations unless the interior has been expressly designated as a resource of significance to the Pinelands. The applicant proposes the renovation of the interior of the powerhouse

building. The interior of the powerhouse building is designated as a resource of significance to the Pinelands.

A Certificate of Appropriateness is required for both the proposed replacement of the two water control slide gates and the interior renovations of the powerhouse building.

The standards for a Certificate of Appropriateness (N.J.A.C. 7:50-6.156(c)) identify the treatment that will be required for the resources from among the following three alternatives:

- Preservation in place, if possible;
- Preservation of the resource at another location if preservation in place is not possible; or
- Recordation, if neither of the other alternatives is possible.

The Commission staff has determined that recordation is the appropriate treatment required for this application. It is recommended that the Pinelands Commission issue a Certificate of Appropriateness requiring recordation of the resource consistent with the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation.

By email dated March 12, 2021, the New Jersey Department of Environmental Protection determined that recordation is the appropriate treatment for the Lake Lenape Dam slide gate replacement and renovation/removal of the interior components of the powerhouse building. Condition one of the March 12, 2021 email specified the information that must be submitted to the New Jersey Department of Environmental Protection, State Historic Preservation Office in the recordation documentation.

PUBLIC COMMENT

The CMP defines the proposed development as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on November 30, 2021. The Commission's public comment period closed on December 10, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 16 sheets, prepared by WSP USA, Inc. and dated as follows:

 Sheets 1 & 5 - dated May 11, 2020, revised to August 12, 2020
 Sheets 2 - 4 & 6 - 11 - dated May 11, 2020, revised to October 9, 2020
 Sheets 12 - 16 - dated October 5, 2020, revised to October 9, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Prior to the construction of any portion of the proposed development which will result in

the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. Prior to construction, a copy of a recordation report shall be provided to the Commission. The recordation report shall utilize the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation. Submission to the Pinelands Commission of a copy of the recordation document addressing condition one of the New Jersey Department of Environmental Protection's March 12, 2021 email shall fulfill this requirement.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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Acting Executive Director

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Acting Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 10, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Acting Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 02

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2010-0008.006)

Commissioner Higginbotham moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Acting Executive Director that the following application for Public Development be approved with conditions:

2010-0008.006	
Applicant:	City of Egg Harbor
Municipality:	Egg Harbor City
Management Area:	Pinelands Town
Date of Report:	December 17, 2021
Proposed Development:	Public park

WHEREAS, a public park was developed on the parcel without application to, and approval by, the Commission; and

WHEREAS, development of a public park on the parcel prior to application to, and approval by, the Commission constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, completion of this application to the Pinelands Commission for the public park and Commission approval of the application will resolve this violation; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for the proposed development; and

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Acting Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2010-0008.006 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Susan R. Grogan

Susan R. Grogan
Acting Executive Director

Date: January 14, 2022

Laura E. Matos

Laura E. Matos
Chair



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

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

December 17, 2021

Meg Steeb, Municipal Clerk (via email)
City of Egg Harbor
500 London Ave.
Egg Harbor City, NJ 08215

Re: Application # 2010-0008.006
Block 206, Lot 30
City of Egg Harbor

Dear Ms. Steeb:

The Commission staff has completed its review of this application for a public park. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 14, 2022 meeting.

The park was developed on the parcel prior to the completion of an application to the Commission. The development associated with the park constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. This application is to resolve the violation.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure
c: Secretary, Egg Harbor City Planning Board (via email)
Egg Harbor City Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Ryan McGowan, PE, PP, CME (via email)



PHILIP D. MURPHY
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RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

December 17, 2021

Meg Steeb, Municipal Clerk (via email)
City of Egg Harbor
500 London Ave.
Egg Harbor City, NJ 08215

Application No.: 2010-0008.006
Block 206, Lot 30
City of Egg Harbor

This application is for the development of a public park on the above referenced 0.14 acre parcel in the City of Egg Harbor.

On November 12, 2010, the Commission approved the demolition of a commercial building, 50 years old or older, on Block 206, Lot 30 (App. No. 2010-0008.003). The park will be located on the portion of the parcel previously occupied by the commercial building. The park consists of a walkway and sitting area.

The applicant also proposes the installation of an onsite electronic message sign on the parcel. The proposed sign will be utilized to provide public announcements to the residents of the City of Egg Harbor. The installation/construction of an onsite sign does not require application to the Commission (N.J.A.C. 7:50-4.1(a)4).

The park was developed on the parcel prior to the completion of an application to the Commission. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). This application is to resolve the violation.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27)

The proposed development is located in the Pinelands Town of Egg Harbor City. The proposed development is a permitted land use in a Pinelands Town Management Area.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within a previously disturbed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose the planting of any grasses within the project area.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on November 19, 2021. The Commission’s public comment period closed on December 10, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the sketch dated July 7, 2021.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission APPROVE the proposed development subject to the above conditions.



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 4, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 03

TITLE: Authorizing an Extension of the Time Period by which the South Jersey Transportation Authority Must Complete Obligations Pertaining to the New Grassland Conservation and Management Area and Frosted Elfin Butterfly Enhancement Project as Required by 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 Lohbauer moves and Commissioner Avery 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) between them; and

WHEREAS, in response to SJTA's concerns regarding safe operation of the Atlantic City International Airport due to potential bird strikes from birds utilizing the Grassland Conservation and Management Area (GCMA) established on site in accordance with the requirements of the 2004 MOA, the April 16, 2019 MOA Amendment authorized SJTA to relocate the GCMA off-site and mow the former GCMA location on site year-round; and

WHEREAS, among other things, the April 16, 2019 MOA Amendment obligated SJTA to acquire lands within the Pinelands Area, fund the creation, dedication and long term maintenance of a new GCMA thereon, and preserve the new GCMA in perpetuity through the execution and filing of a deed restriction; and

WHEREAS, the April 16, 2019 MOA Amendment also obligated SJTA to enhance an approximately 12 acre site, located in the northeast quadrant of the airport, for the Frosted elfin butterfly; and

WHEREAS, the April 16, 2019 MOA Amendment required acquisition of land for the new GCMA within one (1) year of SJTA's execution of the MOA Amendment (April 16, 2020) and the establishment of the new GCMA within three (3) years of the its execution of the Amendment (April 16, 2022); and

WHEREAS, the April 16, 2019 MOA Amendment required completion of the frosted elfin butterfly habitat project within two (2) years of SJTA's execution of the MOA Amendment (April 16, 2021); and

WHEREAS, in accordance with the terms of the April 16, 2019 MOA Amendment, the Executive Director may grant an extension of the acquisition deadline for six-months, at her sole discretion and with concurrence of the Commission Chair, provided the SJTA demonstrated that acquisition of the site has commenced and will be completed within the six (6) month extension period; and

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

WHEREAS, by letter dated April 13, 2020, the Executive Director, with the concurrence of the Commission Chair, extended SJTA's acquisition deadline until October 12, 2020; and

WHEREAS, by letter dated September 29, 2020, SJTA requested permission to appear before the Commission at its October 9, 2020 meeting in order to request additional time to acquire the site for the new GCMA, based on delays as a result of the COVID-19 pandemic and Atlantic County's Open Space purchasing procedures pursuant to the New Jersey Open Space Trust Law; and

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

WHEREAS, in granting the extension of the acquisition deadline for the new GCMA site, the Commission recognized Atlantic County's diligent efforts to acquire the new GCMA site and the difficulties it was experiencing trying to acquire the site during the COVID-19 pandemic; and

WHEREAS, Atlantic County acquired the new GCMA site, on behalf of SJTA, on December 28, 2020; and

WHEREAS, the April 16, 2021 MOA Amendment required a Deed of Conservation Restriction to be filed for preservation of the new GCMA site within ninety (90) days of acquisition; and

WHEREAS, Atlantic County has advised that it is waiting to file the Deed of Conservation Restriction until after the plan for the creation of the new GCMA has been approved by the Executive Director, with concurrence of the Commission, in accordance with paragraph 10 of the April 16, 2019 MOA Amendment; and

WHEREAS, the April 16, 2019 MOA Amendment, by its own terms, automatically suspends all development activities, with the exception of development activities that have received Commission approval and are under construction or for which SJTA has entered into a contract for construction, under both the 2004 MOA and the April 16, 2020 MOA Amendment, if the SJTA fails to meet the time lines for either: 1) the acquisition, creation, and maintenance of the new GCMA; or 2) the enhancement and maintenance of the frosted elfin butterfly habitat in the northeast quadrant of the property on which the Atlantic City International Airport is located; and

WHEREAS, this prohibition includes mowing of the location of the former GCMA site on the Atlantic City International Airport property during the seasonal restriction period set forth in Attachment 3, Environmental Commitments, of the 2004 MOA; and

WHEREAS, the April 16, 2019 MOA Amendment allows SJTA to seek reinstatement of the 2004 MOA and the Amendment, under the current scenario, by submitting a written agreement itemizing the steps SJTA will take to bring the new GCMA back into conformance with the timelines; and

WHEREAS, SJTA submitted its plan for creation of the new GCMA site to the Commission on December 7, 2021; and

WHEREAS, SJTA has advised that once the plan for creation of the new GCMA is approved, it will take four (4) years for it to be completed; and

WHEREAS, SJTA has also advised that it has completed half (six acres) of the required frosted elfin butterfly habitat enhancement project and expects to complete the remainder of the project by the end of September 2022; and

WHEREAS, the Commission believes, given the diligent efforts undertaken by SJTA to satisfy its obligations within the April 16, 2019 MOA Amendment, the impact of the COVID-19 pandemic on the acquisition process, and the difficulties that the Authority has experienced in locating a sufficient quantity of wild indigo to complete the frosted elfin butterfly enhancement project, an extension of the timelines relevant to creation and establishment of the GCMA, the filing of a Deed of Conservation Restriction for that site and the completion of the frosted elfin butterfly enhancement project is warranted; 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 SJTA an extension of the following time periods in the April 16, 2019 MOA Amendment:

- 1) The deadline for creation of the new GCMA is extended until April 16, 2024;
- 2) The deadline for filing of the Deed of Conservation Restriction is extended until April 16, 2023; and
- 3) The deadline for completion of the frosted elfin butterfly enhancement project is extended until April 16, 2023.

BE IT FURTHER RESOLVED that the Commission authorizes the Acting Executive Director to reinstate both the 2004 MOA and the April 16, 2019 MOA Amendment and to issue a letter to SJTA reinstating their terms.

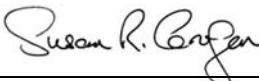
Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 14, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 04

TITLE: To Accept the Fiscal Year 2020 Audit Report

Commissioner Pikolycky moves and Commissioner Avery seconds the motion that:

WHEREAS, the audit of the Pinelands Commission’s Fiscal Year 2020 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

WHEREAS, the Fiscal Year 2020 Audit Report was issued on November 24, 2021; and

WHEREAS, the Fiscal Year 2020 Audit Report contains no Audit Findings or Questioned Costs; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby accepts the Audit Report for Fiscal Year 2020 and directs that it be included as a publication available through the Pinelands Commission’s website.

Record of Commission Votes

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

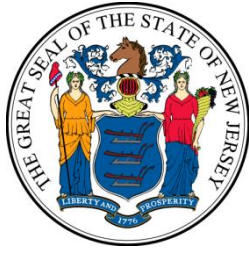
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 14, 2022

Susan R. Grogan
Susan R. Grogan
Acting Executive Director

Laura E. Matos
Laura E. Matos
Chair



New Jersey Legislature
★ *Office of* LEGISLATIVE SERVICES ★
OFFICE OF THE STATE AUDITOR

Pinelands Commission

Fiscal Year 2020

David J. Kaschak
State Auditor



LEGISLATIVE SERVICES COMMISSION

SENATE

Stephen M. Sweeney *Chair*
Christopher J. Connors
Kristin M. Corrado
Nia H. Gill
Linda R. Greenstein
Thomas H. Kean, Jr.
Joseph Pennacchio
Loretta Weinberg

GENERAL ASSEMBLY

Jon M. Bramnick *Vice Chair*
John J. Burzichelli
Craig J. Coughlin
John DiMaio
Louis D. Greenwald
Nancy F. Munoz
Verlina Reynolds-Jackson
Harold J. Wirths



NEW JERSEY STATE LEGISLATURE

★ *Office of* LEGISLATIVE SERVICES ★

OFFICE OF THE STATE AUDITOR

125 SOUTH WARREN ST. • P.O. BOX 067 • TRENTON, NJ 08625-0067

www.njleg.state.nj.us

OFFICE OF THE
STATE AUDITOR

609-847-3470

Fax 609-633-0834

David J. Kaschak

State Auditor

Brian M. Klingele

Assistant State Auditor

Thomas Troutman

Assistant State Auditor

The Honorable Philip D. Murphy
Governor of New Jersey

The Honorable Stephen M. Sweeney
President of the Senate

The Honorable Craig J. Coughlin
Speaker of the General Assembly

Ms. Peri A. Horowitz
Executive Director
Office of Legislative Services

Enclosed is our report on the audit of the Pinelands Commission for the fiscal year ended June 30, 2020. If you would like a personal briefing, please call me at (609) 847-3470.

A handwritten signature in cursive script that reads 'David J. Kaschak'.

David J. Kaschak

State Auditor

November 23, 2021

**PINELANDS COMMISSION
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LEGISLATIVE SERVICES COMMISSION

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NEW JERSEY STATE LEGISLATURE

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Fax 609-633-0834

David J. Kaschak
State Auditor

Brian M. Klingele
Assistant State Auditor

Thomas Troutman
Assistant State Auditor

INDEPENDENT AUDITOR'S REPORT

The Honorable Philip D. Murphy
Governor of New Jersey

The Honorable Stephen M. Sweeney
President of the Senate

The Honorable Craig J. Coughlin
Speaker of the General Assembly

Ms. Peri A. Horowitz
Executive Director
Office of Legislative Services

Report on the Financial Statements

We have audited the accompanying modified accrual basis financial statements of the Pinelands Commission as of and for the year ended June 30, 2020, and the related notes to the financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the modified accrual basis of accounting described in Note 1; this includes determining that the modified accrual basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatements, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

As discussed in Note 1, the Pinelands Commission prepares its financial statements on a modified accrual basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective modified accrual basis financial position of the Pinelands Commission as of June 30, 2020, and the respective changes in financial position, and budgetary comparisons for the General Fund and the Special Revenue Funds for the year then ended in accordance with the modified accrual basis of accounting described in Note 1.

Emphasis of Matter

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the modified accrual basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the schedules listed under Required Supplementary Information in the accompanying table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with evidence sufficient to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Information

Our audit was conducted for the purpose of forming an opinion on the Pinelands Commission's financial statements. The schedule of expenditures of state financial assistance is presented for the purpose of additional analysis as required by New Jersey Department of the Treasury Circular No. 15-08-OMB and is not a required part of the financial statements.

The schedule of expenditures of state financial assistance is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of state financial assistance is fairly stated, in all material respects, in relation to the financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated September 28, 2021 on our consideration of the Pinelands Commission management's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Pinelands Commission's internal control over financial reporting and compliance.

A handwritten signature in black ink, reading "David J. Kaschak". The signature is written in a cursive style with a large, stylized "D" and "K".

David J. Kaschak
State Auditor
September 28, 2021

**PINELANDS COMMISSION
COMBINED BALANCE SHEET
ALL FUND TYPES AND ACCOUNT GROUPS
JUNE 30, 2020**

	GOVERNMENTAL FUND TYPES		FIDUCIARY FUND TYPE	ACCOUNT GROUPS		TOTAL
	GENERAL FUND	SPECIAL REVENUE FUNDS	PRIVATE PURPOSE TRUST FUNDS	GENERAL FIXED ASSETS	GENERAL LONG-TERM DEBT	(Memorandum Only)
ASSETS						
Cash & Cash Equivalents	\$ 2,778,715	\$ 8,419,972	\$ -	\$ -	\$ -	\$ 11,198,687
Receivables:						
Federal	177,613	-	-	-	-	177,613
Other						-
Prepaid Expenses						-
General Fixed Assets:						
Furniture & Equipment	-	-	-	1,120,017	-	1,120,017
Vehicles	-	-	-	110,720	-	110,720
Amount to be Provided for						
Retirement of Long-Term Liabilities	-	-	-	-	410,906	410,906
Due from Other Funds	469,957	-	-	-	-	469,957
Restricted Cash & Cash Equivalents	29,680	-	48,806	-	-	78,486
Total Assets	<u>\$ 3,455,965</u>	<u>\$ 8,419,972</u>	<u>\$ 48,806</u>	<u>\$ 1,230,737</u>	<u>\$ 410,906</u>	<u>\$ 13,566,386</u>
LIABILITIES & FUND EQUITY						
Liabilities:						
Accounts Payable	\$ 703,216	\$ 41,387	\$ -	\$ -	\$ -	\$ 744,603
Salaries Payable	82,379	-	-	-	-	82,379
Payroll Deductions Payable	63,375	-	-	-	-	63,375
Compensated Absences	88,910	-	-	-	410,906	499,816
Deferred Revenue	29,600	1,759,200	-	-	-	1,788,800
Due to State of New Jersey	255	-	-	-	-	255
Due to Other Funds	-	448,009	21,948	-	-	469,957
Total Liabilities	<u>\$ 967,735</u>	<u>\$ 2,248,596</u>	<u>\$ 21,948</u>	<u>\$ -</u>	<u>\$ 410,906</u>	<u>\$ 3,649,185</u>
Fund Equity:						
Restricted For:						
Unemployment Compensation	\$ -	\$ -	\$ 3,586	\$ -	\$ -	\$ 3,586
Katie Fund	-	-	8,272	-	-	8,272
Timber Rattlesnake Study	6,675	-	-	-	-	6,675
Rattlesnake Fencing	21,749	-	-	-	-	21,749
Committed To:						
Pinelands Conservation	-	5,249,047	-	-	-	5,249,047
Kirkwood-Cohansey Study	-	29,185	-	-	-	29,185
Encumbrances	289,787	-	-	-	-	289,787
Retirees' Health Benefits	799,155	-	-	-	-	799,155
Microfilming Project	-	-	-	-	-	-
Building Improvements	-	-	-	-	-	-
Vehicle Replacements	-	-	-	-	-	-
Computer Replacements	-	-	-	-	-	-
Other	-	-	-	-	-	-
Investment in General Fixed Assets	-	-	-	1,230,737	-	1,230,737
Assigned To:						
Subsequent Years Expenditures	-	814,397	15,000	-	-	829,397
Other	-	78,747	-	-	-	78,747
Unassigned Fund Balance:	1,370,864	-	-	-	-	1,370,864
Total Fund Equity	<u>\$ 2,488,230</u>	<u>\$ 6,171,376</u>	<u>\$ 26,858</u>	<u>\$ 1,230,737</u>	<u>\$ -</u>	<u>\$ 9,917,201</u>
Total Liabilities & Fund Equity	<u>\$ 3,455,965</u>	<u>\$ 8,419,972</u>	<u>\$ 48,806</u>	<u>\$ 1,230,737</u>	<u>\$ 410,906</u>	<u>\$ 13,566,386</u>

The accompanying Notes to the Financial Statements are an integral part of this Statement.

PINELANDS COMMISSION
COMBINED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
ALL GOVERNMENTAL AND FIDUCIARY FUND TYPES
FOR THE FISCAL YEAR ENDED JUNE 30, 2020

	GOVERNMENTAL FUND TYPES		FIDUCIARY FUND TYPE	
	GENERAL FUND	SPECIAL REVENUE FUNDS	PRIVATE PURPOSE TRUST FUNDS	TOTAL (Memorandum Only)
REVENUES				
State of New Jersey Appropriations	\$ 2,949,000	\$ -	\$ -	\$ 2,949,000
Fringe Benefits Paid by the State	687,000	-	-	687,000
Federal Grants	456,470	-	-	456,470
State Grants	-	500,000	-	500,000
Other Grants	-	-	-	-
Interest Income	57,962	131,902	793	190,657
Unemployment Deductions	-	-	419	419
Application Fees	379,398	-	-	379,398
Other	69,416	-	58	69,474
Total Revenues	\$ 4,599,246	\$ 631,902	\$ 1,270	\$ 5,232,418
EXPENDITURES				
Current:				
Personnel	\$ 4,175,454	\$ 596,900	\$ -	\$ 4,772,354
Supplies	64,791	20,101	-	84,892
Services	542,256	75,565	-	617,821
Maintenance & Rent	22,559	-	-	22,559
Capital Outlay	28,682	4,083	-	32,765
State Aid & Grants	-	25,000	-	25,000
Land Acquisition	-	-	-	-
Total Expenditures	\$ 4,833,742	\$ 721,649	\$ -	\$ 5,555,391
Excess/(Deficiency) of Revenues Over Expenditures	\$ (234,496)	\$ (89,747)	\$ 1,270	\$ (322,973)
OTHER FINANCING SOURCES/USES				
Uncollectible Receivables	\$ -	\$ -	\$ -	\$ -
Operating Transfers Out	-	(60,000)	-	(60,000)
Operating Transfers In	60,000	-	-	60,000
Total Other Financing Sources/Uses	\$ 60,000	\$ (60,000)	\$ -	\$ -
Excess/(Deficiency) of Revenues and Other Sources over Expenditures & Other Uses	\$ (174,496)	\$ (149,747)	\$ 1,270	\$ (322,973)
Fund Balance - Beginning of the Year	2,662,726	6,321,123	25,588	9,009,437
Fund Balance - End of the Year	\$ 2,488,230	\$ 6,171,376	\$ 26,858	\$ 8,686,464

The accompanying Notes to the Financial Statements are an integral part of this Statement.

PINELANDS COMMISSION
COMBINED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
GENERAL AND SPECIAL REVENUE FUND TYPES
BUDGET AND ACTUAL - BUDGETARY BASIS
FOR THE FISCAL YEAR ENDED JUNE 30, 2020

	GENERAL FUND			VARIANCE	SPECIAL REVENUE FUNDS			VARIANCE
	ADOPTED BUDGET	FINAL BUDGET	ACTUAL	FAVORABLE/ (UNFAVORABLE)	ADOPTED BUDGET	FINAL BUDGET	ACTUAL	FAVORABLE/ (UNFAVORABLE)
REVENUES								
State of New Jersey Appropriations	\$ 2,949,000	\$ 2,949,000	\$ 2,949,000	\$ -	\$ -	\$ -	\$ -	\$ -
State Supplemental Appropriations	-	-	-	-	-	-	-	-
Fringe Benefits Paid by the State	687,000	687,000	687,000	-	-	-	-	-
Federal Grants	483,000	483,000	456,470	(26,530)	-	-	-	-
State Grants	-	-	-	-	500,000	500,000	500,000	-
Other Grants	-	-	-	-	-	-	-	-
Interest Income	50,000	50,000	57,962	7,962	120,255	120,255	131,902	11,647
Application Fees	690,000	690,000	379,398	(310,602)	-	-	-	-
Anticipated from Reserves	142,070	142,070	120,000	(22,070)	-	-	-	-
Fund Balance Anticipated	849,964	849,964	849,964	-	68,000	68,000	-	(68,000)
Pinelands Conservation Activities Reserves	-	-	-	-	-	-	-	-
Other	4,040	4,040	69,416	65,376	-	-	-	-
Total Revenues	\$ 5,855,074	\$ 5,855,074	\$ 5,569,210	\$ (285,864)	\$ 688,255	\$ 688,255	\$ 631,902	\$ (56,353)
EXPENDITURES								
Current:								
Personnel	\$ 4,917,580	\$ 4,917,580	\$ 4,175,454	\$ 742,126	\$ 568,324	\$ 568,324	\$ 596,900	\$ (28,576)
Supplies	103,033	103,033	64,791	38,242	19,372	19,372	20,101	(729)
Services	762,341	762,341	485,854	276,487	40,559	40,559	59,259	(18,700)
Maintenance & Rent	81,520	81,520	22,559	58,961	-	-	-	-
Capital Outlay	50,600	50,600	40,743	9,857	-	-	4,083	(4,083)
Land Acquisition	-	-	-	-	-	-	-	-
Total Expenditures	\$ 5,915,074	\$ 5,915,074	\$ 4,789,401	\$ 1,125,673	\$ 628,255	\$ 628,255	\$ 680,343	\$ (52,088)
OTHER FINANCING SOURCES/USES								
Uncollectible Receivables	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Transfers Out	-	-	-	-	(60,000)	(60,000)	(60,000)	-
Operating Transfers In	60,000	60,000	60,000	-	-	-	-	-
Total Other Financing Sources/Uses	\$ 60,000	\$ 60,000	\$ 60,000	\$ -	\$ (60,000)	\$ (60,000)	\$ (60,000)	\$ -
Net Increase/(Decrease) in Fund Balances	\$ -	\$ -	\$ 839,809	\$ 839,809	\$ -	\$ -	\$ (108,441)	\$ (108,441)

The accompanying Notes to the Financial Statements are an integral part of this Statement.

**PINELANDS COMMISSION
NOTES TO THE FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

Note 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of the Reporting Entity – The Pinelands Commission (Commission) was formed in 1979 by the Pinelands Protection Act. The Commission is charged with the development and implementation of the Comprehensive Management Plan for the Pinelands. It plays significant roles in monitoring the level and types of development that occur within the Pinelands including, but not limited to, acquisition of land, planning, zoning, permitting, research, and education. The Commission consists of 15 members. Seven are appointed by the Governor of New Jersey. Another seven are appointed by each of the counties within the Pinelands, i.e., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Ocean. One member is appointed by the U.S. Secretary of the Interior. The Commission works closely with all levels of government, organizations, and interested citizens to help them understand and implement the Pinelands Comprehensive Management Plan.

The primary criterion for including activities within the Commission's reporting entity, as set forth in Section 2100 of the GASB Codification of Governmental Accounting and Financial Reporting Standards, is the degree of oversight responsibility maintained by the Commission. Oversight responsibility includes financial interdependency, selection of governing authority, designation of management, ability to significantly influence operations, and accountability for fiscal matters. The combined financial statements include all funds and account groups of the Commission over which the board exercises operating control. There were no additional entities required to be included in the reporting entity under the criterion as described above, in the current fiscal year.

Basis of Presentation – The financial statements are prepared on the modified accrual basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. The more significant of the Commission's accounting policies are described in this note.

The accounts of the Commission are organized on the basis of funds and account groups, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled. An account group, on the other hand, is a financial reporting device designed to provide accountability for certain assets and liabilities that are not recorded in the funds because they do not directly affect net expendable available financial resources.

The various funds and accounts are grouped into three fund types within two broad fund categories and two account groups as follows:

GOVERNMENTAL FUNDS

General Fund – The General Fund is the general operating fund of the Commission. It is used to account for all financial resources except those required to be accounted for in another fund.

Special Revenue Funds – The Special Revenue Funds are used to account for the proceeds of specific revenues, other than trusts, that are legally restricted to expenditures for specified purposes. The Commission utilizes the following three special revenue funds:

Pinelands Development Credit Fund – This fund is used to account for appropriations from the State of New Jersey that are restricted to purchasing Pinelands Development Credits through the Pinelands Development Credit Bank.

Kirkwood-Cohansey Study Fund – This fund is used to account for monies transferred to the Commission from the “Water Supply Fund” by the State of New Jersey to fund the completion of a report on the assessment on how the future and current water supply needs within the Pinelands area may be met while protecting the Kirkwood-Cohansey aquifer system.

Pinelands Conservation Fund – The Commission has reserved a portion of this fund to be used for preservation of land and designated other portions to be used for conservation planning/research and for community planning/design.

FIDUCIARY FUNDS

Private Purpose Trust Funds – The Private Purpose Trust Funds are used to account for assets held by the Commission in a trustee capacity or as an agent on behalf of others. These include two Private Purpose Trust Funds, the Unemployment Compensation Insurance Fund, and the “Katie Fund”. Private Purpose Trust Funds are accounted for in essentially the same manner as governmental funds. Private Purpose Trust Funds account for assets of which both the principal and interest may be spent.

ACCOUNT GROUPS

General Fixed Assets Account Group – Fixed assets used in governmental fund type operations are accounted for in the General Fixed Assets Account Group, rather than in governmental funds.

General Long-Term Debt Account Group – Long-Term liabilities expected to be financed from governmental funds are accounted for in the General Long-Term

Debt Account Group, not in the governmental funds. This includes the non-current portion of the liability for compensated absences.

Because of their spending measurement focus, expenditure recognition for governmental fund types is limited to exclude amounts represented by non-current liabilities. Since they do not affect net current assets, such long-term amounts are not recognized as governmental fund type expenditures or fund liabilities. They are instead reported as liabilities in the General Long-Term Debt Account Group.

Basis of Accounting and Measurement Focus – The modified accrual basis of accounting is used for measuring financial position and operating results of all governmental and fiduciary fund types. Under the modified accrual basis of accounting, revenues are recognized when they become both measurable and available. "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures are recognized in the accounting period in which the fund liability is incurred, except for principal and interest on general long-term debt, which are recorded when due.

Budgets/Budgetary Control – An annual appropriated budget is approved by the Commission each year for the General Fund and Special Revenue Funds. The budgets are prepared using the budgetary basis of accounting. Formal budgetary integration into the accounting system is employed as a management control device during the year. Encumbrance accounting is also employed as an extension of formal budgetary integration in the governmental fund types.

The accounting records of the General Fund and Special Revenue Funds are maintained on the budgetary basis. The budgetary basis differs from modified accrual basis in that the budgetary basis recognizes encumbrances as expenditures and also recognizes increases/decreases in internal designations of fund balance, whereas the modified accrual basis does not. Sufficient supplemental records are maintained to allow for the presentation of modified basis financial reports.

The budget, as detailed on the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – General and Special Revenue Fund Types, Budget and Actual – Budgetary Basis, include all amendments to the adopted budget.

The following presents a reconciliation of the General Fund from the budgetary basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – General and Special Revenue Fund Types, Budget and Actual – Budgetary Basis to the modified accrual basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – All Governmental and Fiduciary Fund Types.

Net increase (decrease) in fund balances for the year (budgetary basis)	
adjustments:	\$ 839,809
Less: net decrease in revenue recognized in previous years	(969,964)
Less: prior-year encumbrances recognized as current-year expenditures	(334,128)
Add: current-year encumbrances	<u>289,787</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (modified accrual basis)	<u>\$ (174,496)</u>

The following presents a reconciliation of the Special Revenue Funds from the budgetary basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – General and Special Revenue Fund Types – Budget and Actual – Budgetary Basis to the modified accrual basis of accounting as presented in the Combined Statement of Revenues, Expenditures, and Changes in Fund Balances – All Governmental and Fiduciary Fund Types.

Net increase (decrease) in fund balances for the year (budgetary basis)	
adjustments:	\$ (108,441)
Less: net decrease in revenue recognized in previous years	-
Less: prior-year encumbrances recognized as current-year expenditures	(41,306)
Add: current-year encumbrances	<u>-</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses (modified accrual basis)	<u>\$ (149,747)</u>

Encumbrances – Under encumbrance accounting, purchase orders, contracts, and other commitments for the expenditure of resources are recorded to reserve a portion of the applicable appropriation. Open encumbrances are reported as reservations of fund balances at fiscal year end as they do not constitute expenditures or liabilities but rather commitments related to unperformed contracts for goods and services.

Cash and Cash Equivalents – Cash and cash equivalents include petty cash, change funds, cash in banks, and all highly liquid investments with a maturity of three months or less at the time of purchase and are stated at cost that approximates fair value. The Commission also participates in the State of New Jersey Cash Management Fund administered by the New Jersey Department of the Treasury, Division of Investment, wherein amounts contributed by the state, as well as other local government units, are combined into a large-scale investment program.

Fixed Assets – General fixed assets are reflected as expenditures in the applicable governmental funds, and the related assets are reported in the General Fixed Assets Account Group. Fixed assets are defined by the Commission as assets that have a cost in excess of \$250 at the date of acquisition and a useful life of one year or more.

Compensated Absences – Compensated absences are those absences for which employees will be paid, such as vacation, sick, administration, and paid leave bank. A liability for compensated absences attributable to services already rendered and not contingent on a specific event that is outside the control of the Commission and its employees is accrued as the employees earn the rights to the benefits.

Compensated absences related to future services or contingent on a specific event that is outside the control of the Commission and its employees are accounted for in the period in which such services are rendered or in which such events take place.

In governmental funds, compensated absences that are expected to be liquidated with expendable available financial resources are reported as an expenditure and fund liability in the fund that will pay for the compensated absences. The remainder of the compensated absences liability is reported in the General Long-Term Debt Account Group.

Due from/to Other Funds – Amounts due from/to other funds represent monies owed from or to other funds. The General Fund disburses all the funds for expenditures incurred by all other funds, and the monies are transferred between funds.

Deferred Revenue – Deferred revenue in the General and Special Revenue Funds represents cash that has been received but not yet earned.

Fund Balance – Refer to Note 11 for full description.

Total Columns on Combined Statements – Total columns are captioned "Memorandum Only" to indicate that they are presented only to facilitate financial analysis. Data in these columns do not present financial position, results of operations, or changes in financial position in conformity with accounting principles generally accepted in the United States of America, nor is such data comparable to a consolidation.

Management Estimates – The preparation of financial statements in conformity with accounting principles generally accepted in the United States required management to make estimates and assumptions that affect the reported amounts of revenue and expenditures/expenses during the reporting period. Actual results can differ from those estimates.

CHANGES IN ACCOUNTING POLICY

Recently Issued Accounting Principles

Due to the issuance of Governmental Accounting Standards Board Statement No. 95, *Postponement of the Dates of Certain Authoritative Guidance*, the Commission did not adopt any new GASB standards for Fiscal Year 2020.

Note 2: **CASH AND CASH EQUIVALENTS**

The Pinelands Commission is governed by the deposit limitations of New Jersey state law. The deposits held at June 30, 2020, and reported at fair value are as follows:

Deposits:	Amount
Demand deposits	\$ 11,276,544
Cash on hand	629
Total Deposits	\$ 11,277,173

Reconciliation of Statement of Comparative Balance Sheets:

General Fund	\$ 2,808,395
Special Revenue Funds	8,419,972
Private Purpose Trust Funds	48,806
Total Reconciliation of Comparative Balance Sheets	\$ 11,277,173

GASB Statement No. 40, *Deposit and Investment Risk Disclosure*, requires that the Pinelands Commission disclose bank deposits that are subject to custodial credit risk. The custodial credit risk for deposits is the risk that, in the event of a failure of a depository financial institution, the Commission will not be able to recover deposits or will not be able to recover collateral securities that may be in the possession of an outside party. As of June 30, 2020, the Commission's confirmed bank balances amounted to \$427,361.49, and \$177,361.49 was exposed to custodial credit risk as uninsured and uncollateralized.

The balance of the Commission's cash and cash equivalents are deposited in the New Jersey Cash Management Fund (CMF). The CMF is governed by regulations of the State Investment Council, which prescribe standards designed to ensure the quality of investments in order to minimize risk to the CMF's participants. An amount totaling \$10,969,131 was deposited with the CMF as of June 30, 2020; the Commission had \$307,423 in the operating account and \$629 in petty cash. The State of New Jersey, Department of the Treasury, Division of Investment, issues publicly available financial reports that include the financial statements of the CMF. The financial reports may be obtained by writing to the State of New Jersey, Department of the Treasury, Division of Investment, P.O. Box 290, Trenton, NJ 08625-0290.

Note 3: FIXED ASSETS

The following schedule is a summarization of general fixed assets by source as of June 30, 2020:

	Balance June 30, 2019	Additions	Deletions	Balance June 30, 2020
Furniture/ Equipment	\$ 1,075,880	\$ 44,137	\$ -	\$ 1,120,017
Vehicles	110,720	-	-	110,720
Total	\$ 1,186,600	\$ 44,137	\$ -	\$ 1,230,737

Note 4: LEASES

Lease Obligations – At June 30, 2020, the Commission had no operating lease agreements in effect. The Commission is paying a monthly rental charge for a copy machine that is no longer under an agreement. Payments under the month-to-month rental for the fiscal year ended June 30, 2020 were \$5,605.

Note 5: RETIREMENT SYSTEM

All required employees of the Commission are covered by the Public Employees' Retirement System (PERS), which has been established by state statute and is administered by the New Jersey Division of Pensions and Benefits (division). According to the State of New Jersey Administrative Code, all obligations of the system will be assumed by the State of New Jersey should the system terminate. The division issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to:

State of New Jersey Division of Pensions and Benefits
P.O. Box 295

Trenton, New Jersey 08625-0295

<http://www.nj.gov/treasury/pensions/gasb-notice.shtml>

General Information about the Pension Plan**Description of Retirement Plan**

PERS – is a cost-sharing, multiple-employer defined benefit pension plan, which was established as of January 1, 1955, under the provisions of N.J.S.A. 43:15A. The PERS's designated purpose is to provide retirement, death, disability, and medical benefits to certain qualified members. Membership in the PERS is mandatory for substantially all full-time employees of the State of New Jersey or any county, municipality, school district, or public agency, provided the employee is not required to be a member of another state-administered retirement system, other state pension fund, or local jurisdiction's pension fund.

Vesting and Benefit Provisions

PERS – The vesting and benefit provisions are set by N.J.S.A. 43:15A and 43:3B. The PERS provides retirement, death, and disability benefits. All benefits vest after ten years of service, except for medical benefits, which vest after 25 years of service or under the disability provisions of the PERS.

The following represents the membership tiers for PERS:

Tier	Definition
1	Members who were enrolled prior to July 1, 2007
2	Members who were eligible to enroll on or after July 1, 2007 and prior to November 2, 2008
3	Members who were eligible to enroll on or after November 2, 2008 and prior to May 22, 2010
4	Members who were eligible to enroll on or after May 22, 2010 and prior to June 28, 2011
5	Members who were eligible to enroll on or after June 28, 2011

Service retirement benefits of 1/55th of final average salary for each year of service credit are available to tiers 1 and 2 members upon reaching age 60 and to tier 3 members upon reaching age 62. Service retirement benefits of 1/60th of final average salary for each year of service credit are available to tier 4 members upon reaching age 62 and tier 5 members upon reaching age 65. Early retirement benefits are available to tiers 1 and 2 members before reaching age 60, tiers 3 and 4 before age 62 with 25 or more years of service credit and tier 5 with 30 or more years of service credit before age 65. Benefits are reduced by a fraction of a percent for each month that a member retires prior to the age at which a member can receive full early retirement benefits in accordance with their respective tier. Tier 1 members can receive an unreduced benefit from age 55 to age 60 if they have at least 25 years of service. Deferred retirement is available to members who have at least 10 years of service credit and have not reached the service retirement age for their respective tier.

Contributions

PERS – The contribution policy is set by N.J.S.A. 43:15A and requires contributions by active members and contributing employers. Members contribute at a uniform rate. Pursuant to the provisions of Chapter 78, P.L. 2011, the active member contribution rate increased from 5.5% of annual compensation to 6.5% plus an additional 1% phased-in over seven years beginning in July 2012.

The member contribution rate was 7.50% in state fiscal year 2020. The rate for members who are eligible for the Prosecutors Part of PERS (Chapter 366, P.L. 2001) was 10%. Employers' contribution amounts are based on an actuarially determined rate. The Commission's contribution amounts are based on an actuarially determined amount, which includes the normal cost and unfunded accrued liability.

The Commission's contractually required contribution rate for the fiscal year ended June 30, 2020 was 15.84% of the Commission's covered payroll. This amount was actuarially determined as the amount that, when combined with employee contributions, is expected to finance the costs of benefits earned by employees during the year, including an additional amount to finance any unfunded accrued liability.

Based on the most recent PERS measurement date of June 30, 2019, the Commission's contractually required contribution to the pension plan for the fiscal year ended June 30, 2020 was \$502,099 and was paid on April 8, 2021. The Commission's contractually required contribution to the pension plan for the fiscal year ended June 30, 2019 was \$412,464 and was paid on April 7, 2020. Commission employee contributions to the pension plan during the fiscal year ended June 30, 2020 were \$239,673.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

PERS – At June 30, 2020, the Commission's proportionate share of the net pension liability was \$7,640,483. The net pension liability was measured as of June 30, 2019, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2018. The total pension liability was calculated through the use of updated procedures to roll forward from the actuarial valuation date to the measurement date of June 30, 2019. The Commission's proportion of the net pension liability was based on a projection of the Commission's long-term share of contributions to the pension plan relative to the projected contributions of all participating employers, actuarially determined. For the June 30, 2019 measurement date, the Commission's proportion was 0.0424035874%, which was an increase of 0.00273091% from its proportion measured as of June 30, 2018.

For the fiscal year ended June 30, 2020, the Commission's proportionate share of the pension expense was \$478,906. This pension expense was based on the pension plan's June 30, 2019 measurement date. This expense is not recognized by the Commission because of the basis of accounting as described in Note 1; however, as previously mentioned for the fiscal year ended June 30, 2020 the Commission's contribution to PERS was \$412,464 and was paid by April 7, 2020.

At June 30, 2019, the Commission reported deferred outflows of resources and deferred inflows of resources related to PERS from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 137,137	\$ 33,752
Changes of assumptions	762,930	2,651,988
Net difference between projected and actual earnings on pension plan investments	-	120,608
Changes in proportion	695,488	110,712
Commission contributions subsequent to the measurement date	502,099	-
	<u>\$ 2,097,654</u>	<u>\$ 2,917,060</u>

The amount of \$502,099, included in deferred outflows of resources, will be included as a reduction of the net pension liability in the fiscal year ending June 30, 2021. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

<u>Fiscal Year Ending June 30</u>	<u>Amount</u>
2021	\$ (95,670)
2022	(567,005)
2023	(494,828)
2024	(158,123)
2025	<u>(5,879)</u>
	<u>\$ (1,321,505)</u>

The amortization of the above other deferred outflows of resources and deferred inflows of resources related to pensions will be over the following number of years:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience		
Year of pension plan deferral:		
June 30, 2014	-	-
June 30, 2015	5.72	-
June 30, 2016	5.57	-
June 30, 2017	5.48	-
June 30, 2018	-	5.63
June 30, 2019	5.21	-
Changes of assumptions		
Year of pension plan deferral:		
June 30, 2014	6.44	-
June 30, 2015	5.72	-
June 30, 2016	5.57	-
June 30, 2017	-	5.48
June 30, 2018	-	5.63
June 30, 2019	-	5.21
Net difference between projected and actual earnings on pension plan investments		
Year of pension plan deferral:		
June 30, 2014	-	5.00
June 30, 2015	5.00	-
June 30, 2016	5.00	-
June 30, 2017	-	5.00
June 30, 2018	-	5.00
June 30, 2019	5.00	-
Changes in proportion		
Year of pension plan deferral:		
June 30, 2014	6.44	6.44
June 30, 2015	5.72	5.72
June 30, 2016	5.57	5.57
June 30, 2017	5.48	5.48
June 30, 2018	5.63	5.63
June 30, 2019	5.21	5.21

Actuarial Assumptions

The net pension liability was measured as of June 30, 2019, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2018. The total pension liability was calculated through the use of updated procedures to roll forward from the actuarial valuation date to the measurement date of June 30, 2019. This actuarial valuation used the following actuarial assumptions, applied to all periods included in the measurement:

	PERS
Inflation - Price	2.75%
Inflation - Wage	3.25%
Salary increases:	
FY 2017 to 2026	2.00% - 6.00% Based on Years
FY 2026 and thereafter	3.00% - 7.00% Based on Years
Investment rate of return	7.00%
Mortality rate table	Pub-2010
Period of actuarial experience study upon which actuarial assumptions were based	July 1, 2014 - June 30, 2018

For PERS, preretirement mortality rates were based on the Pub-2010 General Below-Median Income Employee mortality table with an 82.2% adjustment for males and 101.4% adjustment for females, and with future improvement from the base year of 2010 on a generational basis. Postretirement mortality rates were based on the Pub-2010 General Below-Median Income Healthy Retiree mortality table with a 91.4% adjustment for males and 99.7% adjustment for females, and with future improvement from the base year of 2010 on a generational basis. Disability retirement rates used to value disabled retirees were based on the Pub-2010 Non-Safety Disabled Retiree mortality table with a 127.7% adjustment for males and 117.2% adjustment for females, and with future improvement from the base year of 2010 on a generational basis. Mortality improvement is based on Scale MP-2019.

In accordance with state statute, the long-term expected rate of return on plan investments (7.00% at June 30, 2019) is determined by the State Treasurer, after consultation with the directors of the Division of Investment and the Division of Pensions and Benefits, the PERS Board of Trustees, and the actuaries.

The long-term expected rate of return was determined using a building block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense, and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic rates of return for each major asset class included in PERS's target asset allocation as of June 30, 2019 are summarized in the following table:

PERS		
Asset Class	Target Allocation	Long-Term Expected Real Rate of Return
Risk mitigation strategies	3.00%	4.67%
Cash equivalents	5.00%	2.00%
U.S. Treasuries	5.00%	2.68%
Investment grade credit	10.00%	4.25%
High yield	2.00%	5.37%
Private credit	6.00%	7.92%
Real assets	2.50%	9.31%
Real estate	7.50%	8.33%
U.S. equity	28.00%	8.26%
Non-U.S. developed markets equity	12.50%	9.00%
Emerging markets equity	6.50%	11.37%
Private equity	12.00%	10.85%
	100.00%	

Discount Rate – The discount rates used to measure the total pension liability at June 30, 2019 was 6.28%. The single blended discount rate was based on the long-term expected rate of return on pension plan investments of 7.00%, and a municipal bond rate of 3.50% as of June 30, 2019, based on the Bond Buyer Go 20-Bond Municipal Bond Index, which includes tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher. The projection of cash flows used to determine the discount rates for PERS assumed that contributions from plan members will be made at the current member contribution rates and that contributions from employers will be made based on the contribution rate in the most recent fiscal year. Based on those assumptions, the plan's fiduciary net position was projected to be available to make projected future benefit payments of current plan members through 2057.

Therefore, the long-term expected rate of return on plan investments was applied to projected benefit payments through 2057, and the municipal bond rate was applied to projected benefit payments after that date in determining the total pension liability.

Sensitivity of Commission's Proportionate Share of Net Pension Liability to Changes in the Discount Rate

PERS – The following presents the Commission's proportionate share of the net pension liability at June 30, 2019, the plan's measurement date, calculated using a discount rate of 6.28%, as well as what the Commission's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1%

lower or 1% higher than the current rates used:

	PERS		
	1%	Current	1%
	Decrease (5.28%)	Discount Rate (6.28%)	Increase (7.28%)
Commission's proportionate share of the net pension liability	\$ 9,651,171	\$ 7,640,483	\$ 5,946,192

Pension Plan Fiduciary Net Position

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the respective fiduciary net position of the PERS and additions to/deductions from PERS's fiduciary net position have been determined on the same basis as they are reported by PERS. Accordingly, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value. For additional information about PERS, please refer to the plan's Comprehensive Annual Financial Report, which can be found at <https://www.state.nj.us/treasury/pensions/financial-reports.shtml>.

Note 6: HEALTH CARE BENEFITS

The Commission provides health care benefits, through the New Jersey State Health Benefits Program, to all continuing employees who are scheduled to work 25 or more hours per week, along with their spouses and eligible dependents. Expenditures for health care benefits are recognized on a pay-as-you-go basis.

In accordance with P. L. 2011, Chapter 78, employees enrolled in the New Jersey State Health Benefits Program are required to contribute a portion of their bi-weekly salary. The balance of the monthly health care benefits premium is paid by the Commission, which receives a credit from the state. Employees covered by other health insurance can elect to waive coverage and receive \$1,000 annually.

The Commission's health care benefits premiums, including employees' contributions, are as follows:

Health Care Costs					
Fiscal Year	Premium	Cost to Commission	Employee Contributions	Credit from State	
2020	\$ 789,947	\$ 37,872	\$ 168,970	\$ 583,105	
2019	817,394	105,692	174,699	537,003	
2018	806,293	135,627	154,447	516,219	
2017	798,708	152,158	134,323	512,227	
2016	797,988	152,839	134,285	510,864	
2015	840,454	195,690	130,114	514,650	

Note 7: OTHER POSTEMPLOYMENT BENEFITS (OPEB)

General Information about the OPEB Plan

Plan Description and Benefits Provided – The Commission contributes to the State Health Benefits Local Government Retired Employees’ Plan (plan), which is a cost-sharing, multiple-employer defined benefit other postemployment benefit plan. It covers employees of local governments that have adopted a resolution to participate in the plan. The plan meets the definition of an equivalent arrangement as defined in GASB Statement No. 75, *Accounting and Financial Reporting for the Postemployment Benefits Other Than Pensions*; therefore, assets are accumulated to pay associated benefits. For additional information about the plan, please refer to the State of New Jersey, Division of Pensions and Benefits’s Comprehensive Annual Financial Report, which can be found at the following link. <https://www.state.nj.us/treasury/pensions/financial-reports.shtml>.

The plan provides medical and prescription drug benefits to retirees and their covered dependents. Under the provisions of Chapter 88, P.L. 1974 and Chapter 48, P.L. 1999, local government employers electing to provide postretirement medical coverage to their employees must file a resolution with the division. Under Chapter 88, local employers elect to provide benefit coverage based on the eligibility rules and regulations promulgated by the State Health Benefits Commission. Chapter 48 allows local employers to establish their own age and service eligibility for employer-paid health benefits coverage for retired employees. Under Chapter 48, the employer may assume the cost of postretirement medical coverage for employees and their dependents who: 1) retired on a disability pension; or 2) retired with 25 or more years of service credit in a state or locally administered retirement system and a period of service of up to 25 years with the employer at the time of retirement as established by the employer; or 3) retired and reached the age of 65 with 25 or more years of service credit in a state or locally administered retirement system and a period of service of up to 25 years with the employer at the time of retirement as established by the employer; or 4) retired and reached age 62 with at least 15 years of service with the employer. Further, the law provides that the employer-paid

obligations for retiree coverage may be determined by means of a collective negotiations agreement.

Pursuant to Chapter 78, P.L., 2011, future retirees eligible for postretirement medical coverage who have less than 20 years of creditable service on June 28, 2011 will be required to pay a percentage of the cost of their health care coverage in retirement provided they retire with 25 or more years of pension service credit. The percentage of the premium for which the retiree will be responsible will be determined based on the retiree's annual retirement benefit and level of coverage.

Contributions – The funding policy for the OPEB plan is pay-as-you-go; therefore, there is no prefunding of the liability. However, due to premium rates being set prior to each calendar year, there is a minimal amount of net position available to cover benefits in future years. Contributions to pay for the health benefit premiums of participating employees in the OPEB plan are collected from participating local employers and retired members.

Pursuant to Chapter 78, P.L., 2011, future retirees eligible for postretirement medical coverage who have less than 20 years of creditable service on June 28, 2011 will be required to pay a percentage of the cost of their health care coverage in retirement provided they retire with 25 or more years of pension service credit. The percentage of the premium for which the retiree will be responsible will be determined based on the retiree's annual retirement benefit and level of coverage.

The Commission was billed monthly by the plan and has expended \$159,893 for the fiscal ended June 30, 2020, representing 5.04% of the Commission's covered payroll. The Commission has recognized revenue in the amount of \$103,895 for a credit from the State of New Jersey to cover retiree health benefits; however, this credit has no effect on the calculations in the plan.

OPEB Liability, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources

OPEB Liability – At June 30, 2020, the Commission's proportionate share of the net OPEB liability was \$7,146,636. The net OPEB liability was measured as of June 30, 2019, and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation as of June 30, 2018, which was rolled forward to June 30, 2019.

The Commission's proportion of the net OPEB liability was based on the ratio of the plan members of an individual employer to the total members of the plan's nonspecial funding situation during the measurement period July 1, 2018 through June 30, 2019. For the June 30, 2019 measurement date, the Commission's proportion was 0.052758%, which was a decrease of 0.001315% from its proportion measured as of the June 30, 2018 measurement date.

OPEB Expense – At June 30, 2020, the Commission’s proportionate share of the OPEB expense, calculated by the plan as of the June 30, 2019 measurement date is \$151,418. This benefit is not recognized by the Commission because of the basis of the accounting as described in Note 1; however, as previously mentioned, for the fiscal year ended June 30, 2020, the Commission made contributions to the plan totaling \$159,893.

Deferred Outflows of Resources and Deferred Inflows of Resources – At June 30, 2020, the Commission had deferred outflows of resources and deferred inflows of resources related to the OPEB liability from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ 2,089,955
Changes of assumptions	-	2,532,609
Net difference between projected and actual earnings on OPEB plan investments	5,887	-
Changes in proportion	-	510,184
Changes in contributions subsequent to the measurement date	159,893	-
Total	<u>\$ 165,780</u>	<u>\$ 5,132,748</u>

The amount of \$159,893, included in deferred outflows of resources, resulting from the Commission's contributions subsequent to the measurement date, will be included as a reduction of the Commission's net OPEB liability in the fiscal year ending June 30, 2021.

The Commission will amortize the other deferred outflows of resources and deferred inflows of resources related to the OPEB liability over the following number of years:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Changes of assumptions	-	8.05
Net difference between projected and actual earnings on OPEB plan investments	5.00	-
Changes in proportion	8.05	8.05

Other amounts included as deferred outflows of resources and deferred inflows of resources related to the OPEB liability will be recognized in future periods as follows:

<u>Fiscal Year Ending June 30</u>	<u>Amount</u>
2021	\$ (824,275)
2022	(824,275)
2023	(824,736)
2024	(825,482)
2025	(826,164)
Thereafter	<u>(1,001,929)</u>
Total	<u><u>\$ (5,126,861)</u></u>

Actuarial Assumptions

The actuarial assumptions vary for each plan member depending on the pension plan in which the member is enrolled. The total OPEB liability as of June 30, 2019 was determined by an actuarial valuation as of June 30, 2018, which was rolled forward to June 30, 2019 and used the following assumptions:

<u>Actuarial Assumptions</u>	
Inflation	2.50%
*Salary increases:	
Through 2026	2.00% - 6.00%
Thereafter	3.00% - 7.00%
*Salary increases are based on the years of service within the respective plan.	

Preretirement mortality rates were based on the Pub-2010 Headcount-Weighted Healthy Employee Male/Female mortality table with fully generational mortality improvement projections from the central year using the MP-2019 scale. Postretirement mortality rates were based on the Pub-2010 Headcount-Weighted Healthy Annuitant Male/Female mortality table with fully generational improvement projections from the central year using the MP-2019 scale. Disability mortality was based on the Pub-2010 Headcount-Weighted Disabled Male/Female mortality table with fully generational improvement projections from the central year using the MP-2019 scale.

Certain actuarial assumptions used in the July 1, 2018 valuation were based on the results of the pension plan's experience study for which the members are eligible for coverage under this plan, the Public Employees' Retirement System (PERS). The PERS experience study was prepared for the period July 1, 2014 to June 30, 2018.

Discount Rate – The discount rate used to measure the OPEB Liability at June 30, 2019 was 3.50%. This represents the municipal bond return rate as chosen by the state. The source is the Bond Buyer Go 20-Bond Municipal Bond Index, which includes tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher. As the long-term rate of return is less than the municipal bond rate, it is not considered in the calculation of the discount rate, rather the discount rate is set at the municipal bond rate.

Health Care Trend Assumptions – For pre-Medicare preferred provider organization (PPO) and health maintenance organization (HMO) medical benefits, the trend rate is initially 5.7% and decreases to a 4.5% long-term trend rate after eight years. For self-insured post-65 PPO and HMO medical benefits, the trend rate is 4.5%. For prescription drug benefits, the initial trend rate is 7.5% decreasing to a 4.5% long-term trend rate after eight years. The Medicare Advantage trend rate is 4.5% and will continue in all future years.

Sensitivity of the Net OPEB Liability to Changes in the Discount Rate – The Commission's net OPEB liability as of the plan's June 30, 2019 measurement date, calculated using a discount rate of 3.50%, as well as using a discount rate that is 1% lower or 1% higher than the current rates used is as follows:

	1% Decrease (2.50%)	Current Discount Rate (3.50%)	1% Increase (4.50%)
Commission's proportionate share of the net OPEB liability	\$ 8,263,329	\$ 7,146,636	\$ 6,239,175

Sensitivity of the Net OPEB Liability to Changes in the Healthcare Cost Trend Rates – The Commission's proportionate share of the net OPEB Liability as of June 30, 2019, using a healthcare cost trend rates that are 1% lower or 1% higher than the current healthcare cost trend rate used is as follows:

	1% Decrease	Healthcare Cost Trend Rates	1% Increase
Commission's proportionate share of the net OPEB liability	\$6,030,880	\$ 7,146,636	\$ 8,569,971

OPEB Plan Fiduciary Net Position

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the respective fiduciary net position of the State Health Benefits Local Government Retired Employees' Plan and additions to/deductions from the plan's respective fiduciary net position have been determined on the same basis as they are reported by the plan. Accordingly, contributions (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value. For additional information about the plan, please refer to the plan's Comprehensive Annual Financial Report, which can be found at: <https://www.state.nj.us/treasury/pensions/financial-reports.shtml>

Note 8: RISK MANAGEMENT

The Commission is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

Property and Liability Insurance – The Commission maintains an umbrella policy and commercial insurance coverage for property, general liability, commercial auto, and workers' compensation.

New Jersey Unemployment Compensation Insurance – In 1979, the Commission elected to fund its New Jersey Unemployment Compensation Insurance under the "Benefit Reimbursement Method". Under this plan, the Commission is required to reimburse the New Jersey Unemployment Compensation Fund for

benefits paid to its former employees and charged to its account with the state. The Commission is billed quarterly for amounts due to the state. The following is a summary of employee contributions, reimbursements to the state for benefits paid, and the ending balance of the Commission's trust fund for the current and previous four years:

Fiscal Year	Employee Contribution	Annual Reimbursement	Funding Balance *
2020	\$ 419	\$ -	\$ 3,586
2019	4,454	16,614	2,724
2018	6,334	872	14,302
2017	4,375	12,050	8,566
2016	4,133	-	16,168

*Includes annual interest income

Note 9: LONG-TERM DEBT

Compensated Absences – The Commission's policy states that employees are entitled, upon termination, to the current year's earned but unused vacation time in addition to any unused vacation time previously earned. In addition, employees are eligible, at retirement, to receive payment for one-half of their accumulated sick leave up to a maximum of \$15,000. Unused vacation time expected to be taken in the succeeding fiscal year in the amount of \$88,910 has been recorded as a liability in the General Fund on the accompanying balance sheet.

A liability for vested compensated absences has also been established in the General Long-Term Debt Account Group as the benefits accrue to employees. As of June 30, 2020, the estimated long-term liability for compensated absences was \$410,906. Net long-term debt as of June 30, 2020 is as follows:

	Balance 6/30/2019	Additions	Deductions	Balance 6/30/2020	Due Within One Year
Compensated absences payable	\$ 33,190	\$ 55,720	\$ -	\$ 88,910	\$ 88,910
Estimated compensated absences payable	417,040	-	6,134	410,906	-
Total	<u>\$ 450,230</u>	<u>\$ 55,720</u>	<u>\$ 6,134</u>	<u>\$ 499,816</u>	<u>\$ 88,910</u>

Note 10: INTERFUND RECEIVABLES AND PAYABLES

The following interfund balances remained on the balance sheet at June 30, 2020:

<u>Fund</u>	<u>Interfund Receivable</u>	<u>Interfund Payable</u>
General Fund	\$ 469,957	\$ -
Special Revenue Funds	-	448,009
Private Purpose Trust Funds	-	21,948
Total	<u>\$ 469,957</u>	<u>\$ 469,957</u>

The interfund receivables and payables above predominately resulted from collections and payments made by certain funds on behalf of the other funds. During fiscal year 2020, the Commission expects to liquidate such interfund balances, depending on the availability of cash flow.

Note 11: GASB 54 – FUND BALANCE DISCLOSURES

In accordance with GASB No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, the Commission classifies governmental fund balances as follows:

- Non-spendable – includes fund balance amounts that cannot be spent either because it is not in spendable form or because of legal or contractual constraints.
- Restricted – includes fund balance amounts that are constrained for specific purposes that are externally imposed by external parties, constitutional provision, or enabling legislation.
- Committed – includes fund balance amounts that are constrained for specific purposes that are internally imposed by the government through formal action of the highest level of decision making authority and does not lapse at year end.
- Assigned – includes fund balance amounts that are intended to be used for specific purposes that are neither considered restricted nor committed. Fund Balance may be assigned by the executive director or the board of commissioners.
- Unassigned – includes balance within the General Fund that has not been classified within the above mentioned categories and negative fund balances in other governmental funds.

Specific reservations of fund balances are described below:

RESTRICTED FOR:

Unemployment Compensation – This reserve was established with funds contributed by employees and used to reimburse the state for benefits paid, \$3,586.

Katie Fund – The Kathleen M. Lynch-van de Sande Fund consists of contributions from the public, which are dedicated to the support of reforestation and vegetation activities in the Pinelands and to further educational programs and projects that enhance the understanding of the Pinelands National Reserve, \$8,272.

Timber Rattlesnake Study – This reserve was created as a result of a settlement in order to fund an escrow for the study and monitoring of the timber rattlesnakes in and near a particular development site, \$6,675.

Rattlesnake Fencing – This reserve was created to account for funds restricted for possible future fencing necessitated by the above rattlesnake study, \$21,749.

COMMITTED TO:

Pinelands Conservation Fund – This reserve was established with funds provided by the Atlantic Electric Co. as a result of the proposed electric transmission line project to further the Pinelands protection program and ensure a greater level of protection for the unique resources of the Pinelands area, \$5,249,047.

Kirkwood-Cohansey Study – This reserve was created from funds from the Water Supply Fund to assess and prepare a report on the key hydrological and ecological information needed to determine how the current and future water supply needs of the Pinelands may be met while also protecting the Kirkwood-Cohansey aquifer system and avoiding any adverse ecological impact, \$29,185.

Encumbrances – The reserve for encumbrances was created to represent encumbrances outstanding at the end of the year based on purchase orders and contracts signed by the Commission but not completed as of the close of the fiscal year, \$289,787.

Retirees' Health Benefits – This is a designation of fund balance that the Commission intends to use to fund future retirees' health benefits, \$799,155.

Investment in General Fixed Assets – This represents the amount invested in fixed assets, \$1,230,737.

ASSIGNED TO:

Subsequent Year's Expenditures – This designation of fund balance has been appropriated and included as anticipated revenue for the year ending June 30, 2021, \$829,397.

Other – This represents designations of fund balance that the Commission intends to use for various projects, such as Pinelands poster reprinting and service awards, \$78,747.

UNASSIGNED FUND BALANCE:

Unassigned – This represents the portion of fund balance resources available for appropriation, \$1,370,864.

Note 12: ECONOMIC DEPENDENCY

The Commission receives a significant portion of its total revenues from the State of New Jersey. Since these revenues are subject to annual appropriation, any reduction in the amount appropriated in the state's budget will have a material impact on the operations of the Commission. A comparison of annual operating revenues is shown below:

Fiscal Year	State Aid Revenues	General Fund Revenues*	Percentage
2020	\$ 3,636,000	\$ 4,659,249	78%
2019	3,486,000	5,335,483	65%
2018	3,336,000	4,342,259	77%
2017	3,486,000	4,225,149	83%
2016	3,186,000	4,200,943	76%

* Includes transfers from other funds

Note 13: SUBSEQUENT EVENTS**SIGNIFICANT RISKS AND UNCERTAINTIES**

The current coronavirus (COVID-19), classified by the World Health Organization as a pandemic, disrupted normal business operations in 2021 and management has not determined the effect the pandemic will have on future operations.

Required Supplementary Information

PINELANDS COMMISSION
SCHEDULE OF THE COMMISSION'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) - LOCAL
REQUIRED SUPPLEMENTARY INFORMATION

	Measurement date ending June 30		
	2019	2018	2017
Commission's proportion of the net pension liability	0.0424035874%	0.0396726809%	0.0387524433%
Commission's proportionate share of the net pension liability	\$ 7,640,483	\$ 7,811,353	\$ 9,020,949
Commission's covered payroll (plan measurement period)	\$ 2,964,972	\$ 2,664,084	\$ 2,713,988
Commission's proportionate share of the net pension liability as a percentage of covered payroll	257.69%	293.21%	332.39%
Plan fiduciary net position as a percentage of the total pension liability (local)	40.45%	53.60%	48.10%

PINELANDS COMMISSION
SCHEDULE OF THE COMMISSION'S PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) - LOCAL
REQUIRED SUPPLEMENTARY INFORMATION

	Measurement date ending June 30			
	2016	2015	2014	2013
Commission's proportion of the net pension liability	0.0393468730%	0.0385232928%	0.0406718663%	0.039469948500%
Commission's proportionate share of the net pension liability	\$ 11,653,415	\$ 8,647,707	\$ 7,614,886	\$ 7,543,491
Commission's covered payroll (plan measurement period)	\$ 2,706,800	\$ 2,739,132	\$ 2,796,096	\$ 2,698,088
Commission's proportionate share of the net pension liability as a percentage of covered payroll	430.52%	315.71%	272.34%	279.59%
Plan fiduciary net position as a percentage of the total pension liability (local)	40.14%	47.93%	52.08%	48.72%

Note: Until a full ten-year trend is completed, information will be presented for years for which information is available.

PINELANDS COMMISSION
SCHEDULE OF THE COMMISSION'S CONTRIBUTIONS
PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) - LOCAL
REQUIRED SUPPLEMENTARY INFORMATION

	Fiscal Year Ended June 30						
	2020	2019	2018	2017	2016	2015	2014
Contractually required contribution	\$ 502,099	\$ 412,464	\$ 394,615	\$ 359,000	\$ 349,552	\$ 331,197	\$ 335,293
Contributions in relation to the contractually required contribution	(502,099)	(412,464)	(394,615)	(359,000)	(349,552)	(331,197)	(331,197)
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,096
Commission's covered payroll (fiscal year)	\$ 3,170,017	\$ 3,140,268	\$ 2,915,910	\$ 2,692,751	\$ 2,707,759	\$ 2,697,688	\$ 2,697,688
Contributions as a percentage of commission's covered payroll	15.84%	13.13%	13.53%	13.33%	12.91%	12.28%	12.43%

Note: Until a full ten-year trend is completed, information will be presented
for years for which information is available.

Changes in Benefit Terms

None

Changes in Assumptions

For 2019, the discount rate changed to 6.28%, the long-term expected rate of return remained at 7.00%, demographic assumptions were revised in accordance with the results of the July 1, 2014 - June 30, 2018 experience study and the mortality improvement scale incorporated the plan actuary's modified MP-2019 projection scale. Further, salary was assumed to increase between 2.00% and 6.00% (based on years of service) through fiscal year 2026 and 3.00% and 7.00% (based on years of service) for each fiscal year thereafter. For 2018, the discount rate changed to 5.66%, the long-term expected rate of return remained at 7.00%, demographic assumptions were revised in accordance with the results of the July 1, 2011 - June 30, 2014 experience study and the mortality improvement scale incorporated the plan actuary's modified MP-2014 projection scale. For 2017, the discount rate changed to 5.00%, the long-term expected rate of return changed to 7.00% from 7.65%. For 2016, the discount rate changed to 3.98%, and the long-term expected rate of return changed to 7.65% from 7.90%. For 2015 and 2014, the discount rate was 4.90% and 5.39% respectively. In addition, the social security wage base was set at \$118,500 for 2015, increasing 4.00% per annum, compounded annually, and the Internal Revenue Code Section 401(a)(17) pay limit was set at \$265,000 for 2015, increasing 3.00% per annum, compounded annually.

PINELANDS COMMISSION
SCHEDULE OF CHANGES IN THE TOTAL OPEB LIABILITY AND THE COMMISSION'S PROPORTIONATE SHARE OF THE NET OPEB LIABILITY
STATE HEALTH BENEFIT RETIRED EMPLOYEES' OPEB PLAN
REQUIRED SUPPLEMENTARY INFORMATION

	Measurement date ending June 30			
	2019	2018	2017	2016
Total net OPEB liability:				
Service cost	\$ 666,574,660	\$ 896,235,148	\$ 1,064,525,862	\$ 793,330,866
Interest	636,082,461	764,082,232	648,423,508	693,228,312
Change of Benefit Terms	(1,903,958)	-	-	-
Differences between expected and actual experience	(1,399,921,930)	(3,626,384,047)	-	-
Changes in assumptions or other inputs	(1,635,760,217)	(2,314,240,675)	(2,587,850,974)	3,126,488,338
Net investment income	(4,826,936)	(2,320,422)	(791,049)	(310,043)
Contributions from employers and non-employers	(390,269,556)	(474,742,947)	(434,877,635)	(397,482,072)
Administrative expense	9,478,435	8,200,113	8,894,576	528,244
Net change in total net OPEB liability	\$ (2,120,547,041)	\$ (4,749,170,598)	\$ (1,301,675,712)	\$ 4,215,783,645
Total OPEB liability, beginning	15,666,618,141	20,415,788,739	21,717,464,451	17,501,680,806
Total OPEB liability, ending	<u>\$ 13,546,071,100</u>	<u>\$ 15,666,618,141</u>	<u>\$ 20,415,788,739</u>	<u>\$ 21,717,464,451</u>
Commission's proportion of the net OPEB liability	0.052758%	0.054073%	0.054329%	0.055825%
Commission's proportionate share of the net OPEB liability	<u>\$ 7,146,636</u>	<u>\$ 8,471,410</u>	<u>\$ 11,091,694</u>	<u>\$ 12,123,775</u>
Commission's covered payroll (plan measurement period)	<u>\$ 3,140,268</u>	<u>\$ 2,915,910</u>	<u>\$ 2,692,751</u>	<u>\$ 2,707,759</u>
Commission's proportionate share of the net OPEB liability as a percentage of covered payroll	227.58%	290.52%	411.91%	447.74%
Plan fiduciary net position as a percentage of the total pension liability	1.9800%	1.9700%	1.0300%	0.6900%

Notes to schedule:

No assets are accumulated in a trust that meets the criteria in Paragraph 45 of GASB 75

In accordance with GASB 75, the above information is also presented for the State Health Benefit Local Government Retired Employees' Plan. These schedules are presented to illustrate the requirements to show information for 10 years; however, until a full 10-year trend is compiled, this presentation will only include information for those years for which information is available.

**PINELANDS COMMISSION
SCHEDULE OF THE COMMISSION'S CONTRIBUTIONS
STATE HEALTH BENEFIT RETIRED EMPLOYEES' OPEB PLAN
REQUIRED SUPPLEMENTARY INFORMATION**

	Fiscal year ending June 30			
	2020	2019	2018	2017
Commission's required contribution	\$ 159,893	\$ 218,955	\$ 284,092	\$ 305,161
Contributions in relation to the required contribution	(159,893)	(218,955)	(284,092)	(305,161)
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Commission's covered payroll (fiscal year)	<u>\$ 3,170,017</u>	<u>\$ 3,140,268</u>	<u>\$ 2,915,910</u>	<u>\$ 2,692,751</u>
Contributions as a percentage of Commission's covered payroll	5.04%	6.97%	9.74%	11.33%

Note: In accordance with GASB 75, the above information is also presented for the State Health Benefit Local Government Retired Employees' Plan. These schedules are presented to illustrate the requirements to show information for 10 years; however, until a full 10-year trend is compiled, this presentation will only include information for those years for which information is available.

Changes in Benefit Terms

None

Differences between Expected and Actual Experience

The decrease in liability from June 30, 2018 to June 30, 2019 is due to changes in the census, claims, and premium experience.

Changes in Assumptions

The decrease in liability from June 30, 2017 to June 30, 2018 is due to the increase in the assumed discount rate from 3.58% as of June 30, 2017 to 3.87% as of June 30, 2018 and a decrease in the assumed health care cost trend and excise tax assumptions. The decrease in liability from June 30, 2018 to June 30, 2019 is due to the combined effect of the decrease in the assumed discount rate from 3.87% as of June 30, 2018 to 3.50% as of June 30, 2019; and changes in the trend, excise tax, updated decrements, PPO/HMO future retiree elections, salary scale and mortality assumptions.

Other Information

PINELANDS COMMISSION
SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE
FOR THE FISCAL YEAR ENDED JUNE 30, 2020

Grantor/Pass Through Grantor/Program Title	STATE GRANT or GMIS NUMBER	PROGRAM or	GRANT PERIOD		ACCOUNTS	DEFERRED				ACCOUNTS	DEFERRED
		AWARD			RECEIVABLE	REVENUE	CASH/ CREDIT			RECEIVABLE	REVENUE
		AMOUNT	FROM	TO	6/30/18	6/30/18	RECEIVED	EXPENDITURES	6/30/19	6/30/19	
Department of Environmental Protection											
State Aid	100-042-4800-082	\$ 2,949,000	07/01/19	06/30/20	\$ -	\$ -	\$ 2,949,000	\$ 2,949,000	\$ -	\$ -	
Pinelands Development Credit Purchases	100-042-4800-324	13,000,000	07/01/99	Completion	-	1,759,200	-	-	-	1,759,200	
Credit from State - Fringe Benefits	not applicable	687,000	07/01/19	06/30/20	-	-	687,000	687,000	-	-	
Total State Financial Assistance					\$ -	\$ 1,759,200	\$ 3,636,000	\$ 3,636,000	\$ -	\$ 1,759,200	

See Report and Notes to Schedules of Expenditures of State Financial Assistance.

**PINELANDS COMMISSION
NOTES TO THE SCHEDULE OF EXPENDITURES OF
STATE FINANCIAL ASSISTANCE
FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

Note 1: GENERAL

The accompanying Schedule of Expenditures of State Financial Assistance presents the activity of all state financial assistance programs of the New Jersey Pinelands Commission. The Commission is defined in Note 1 to the financial statements. All state financial assistance received directly from state agencies is included on the Schedule of Expenditures of State Financial Assistance.

Note 2: BASIS OF ACCOUNTING

The accompanying Schedule of Expenditures of State Financial Assistance is presented using the modified accrual basis of accounting. This basis of accounting is described in Note 1 to the Commission's general-purpose financial statements.

Note 3: RELATIONSHIP TO FINANCIAL STATEMENTS

Amounts reported in the accompanying schedule agree with amounts reported in the Commission's financial statements.

Note 4: RELATIONSHIP TO STATE FINANCIAL REPORTS

Amounts reported in the accompanying schedule agree with the amounts reported in the related state financial reports.

Note 5: MAJOR PROGRAMS

Major programs are identified in the *Summary of Auditor's Results* section of the Schedule of Findings and Questioned Costs.

Pinelands Commission

**Report on Internal Control over Financial Reporting and on Compliance
and Other Matters Based on an Audit of Financial Statements Performed
in Accordance with *Government Auditing Standards***

For Fiscal Year Ended June 30, 2020

LEGISLATIVE SERVICES COMMISSION

SENATE

Stephen M. Sweeney *Chair*
Christopher J. Connors
Kristin M. Corrado
Nia H. Gill
Linda R. Greenstein
Thomas H. Kean, Jr.
Joseph Pennacchio
Loretta Weinberg

GENERAL ASSEMBLY

Jon M. Bramnick *Vice Chair*
John J. Burzichelli
Craig J. Coughlin
John DiMaio
Louis D. Greenwald
Nancy F. Munoz
Verlina Reynolds-Jackson
Harold J. Wirths



NEW JERSEY STATE LEGISLATURE

★ *Office of* LEGISLATIVE SERVICES ★

OFFICE OF THE STATE AUDITOR
125 SOUTH WARREN ST. • P.O. BOX 067 • TRENTON, NJ 08625-0067
www.njleg.state.nj.us

OFFICE OF THE
STATE AUDITOR
609-847-3470
Fax 609-633-0834

David J. Kaschak
State Auditor

Brian M. Klingele
Assistant State Auditor

Thomas Troutman
Assistant State Auditor

**REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH *GOVERNMENT AUDITING STANDARDS***

INDEPENDENT AUDITOR'S REPORT

The Honorable Philip D. Murphy
Governor of New Jersey

The Honorable Stephen M. Sweeney
President of the Senate

The Honorable Craig J. Coughlin
Speaker of the General Assembly

Ms. Peri A. Horowitz
Executive Director
Office of Legislative Services

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Pinelands Commission, as of and for the year ended June 30, 2020, and the related notes to the financial statements, and have issued our report thereon dated September 28, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Pinelands Commission's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness

of the Pinelands Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Pinelands Commission's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Pinelands Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



David J. Kaschak
State Auditor
September 28, 2021

Pinelands Commission

**Report on Compliance for Each Major State Program; Report on
Internal Control over Compliance; and Report on the Schedule of
Expenditures of State Financial Assistance Required by New Jersey Department of the
Treasury Circular No. 15-08-OMB**

For the Fiscal Year Ended June 30, 2020

LEGISLATIVE SERVICES COMMISSION

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**REPORT ON COMPLIANCE FOR EACH MAJOR STATE PROGRAM; REPORT
ON INTERNAL CONTROL OVER COMPLIANCE; AND REPORT ON THE
SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE
REQUIRED BY NEW JERSEY DEPARTMENT OF THE TREASURY CIRCULAR
No. 15-08-OMB**

INDEPENDENT AUDITOR'S REPORT

The Honorable Philip D. Murphy
Governor of New Jersey

The Honorable Stephen M. Sweeney
President of the Senate

The Honorable Craig J. Coughlin
Speaker of the General Assembly

Ms. Peri A. Horowitz
Executive Director
Office of Legislative Services

Report on Compliance for Each Major State Program

We have audited the Pinelands Commission's compliance with the types of compliance requirements described in the New Jersey Grant Compliance Supplement that could have a direct and material effect on each of its major state programs for the year ended June 30, 2020. The Pinelands Commission's major state programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its state programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Pinelands Commission's major state programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and New Jersey Department of the Treasury Circular No. 15-08-OMB. These standards and New Jersey Department of the Treasury Circular No. 15-08-OMB require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major state program occurred. An audit includes examining, on a test basis, evidence about the Pinelands Commission's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major state program. However, our audit does not provide a legal determination of the Pinelands Commission's compliance.

Opinion on Each Major State Program

In our opinion, the Pinelands Commission complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major state programs for the year ended June 30, 2020.

Report on Internal Control over Compliance

Management of the Pinelands Commission is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Pinelands Commission's internal control over compliance with the types of requirements that could have a direct and material effect on each major state program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major state program and to test and report on internal control over compliance in accordance with New Jersey Department of the Treasury Circular No. 15-08-OMB, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Pinelands Commission's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing

their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a state program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a state program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a state program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of New Jersey Department of the Treasury Circular No. 15-08-OMB. Accordingly, this report is not suitable for any other purposes.

Report on the Schedule of Expenditures of State Financial Assistance Required by New Jersey Department of the Treasury Circular No. 15-08-OMB

We have audited the financial statements of the Pinelands Commission as of and for the year ended June 30, 2020, and have issued our report thereon dated September 28, 2021, which contained an unmodified opinion on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying schedule of expenditures of state financial assistance is presented for purposes of additional analysis as required by New Jersey Department of the Treasury Circular No. 15-08-OMB and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of state financial assistance is fairly stated in all material respects in relation to the financial statements as a whole.



David J. Kaschak
State Auditor
September 28, 2021

PINELANDS COMMISSION
SUMMARY SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FISCAL YEAR ENDED JUNE 30, 2020

Section I - Summary of Auditor's Results

Financial Statements

Type of auditor's report issued: Unmodified

Internal control over financial reporting:

Material weakness(es) identified?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Significant deficiency(ies) identified?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> None Reported
Noncompliance material to financial statements noted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Federal Awards Section

Federal Awards Section is not applicable; The Pinelands Commission did not meet the \$750,000 threshold for federal single audit.

State Awards Section

Internal control over major programs:

Material weakness(es) identified?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Significant deficiency(ies) identified?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> None Reported

Type of auditor's report on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with New Jersey Department of the Treasury Circular No. 15-08-OMB	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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**PINELANDS COMMISSION
SUMMARY SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FISCAL YEAR ENDED JUNE 30, 2020**

Section I - Summary of Auditor's Results (continued):

Identification of major programs:

State Program Number

Name of State Program

100-042-4800-082

State of New Jersey Appropriation

Not applicable

Credit from State - Fringe Benefits

Section II – Schedule of Financial Statement Findings

No compliance or internal control over financial reporting findings were noted that are required to be reported under *Government Auditing Standards*.

Section III – Schedule of State Awards Findings and Questioned Costs

The audit disclosed no findings or questioned costs for the current period.

PINELANDS COMMISSION
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS AND QUESTIONED COSTS
FISCAL YEAR ENDED JUNE 30, 2020

<u>Finding No.</u>	<u>Condition</u>	<u>Status</u>
None.		

Pinelands Commission
Meeting
January 14, 2022

Status of 2019 Amended Memorandum of Agreement with South Jersey Transportation Authority

Atlantic City International Airport

- ▶ 1992, the South Jersey Transportation Authority (SJTA) created to pursue transportation related economic development projects throughout Southern New Jersey.
- ▶ SJTA purchased the passenger terminal complex (84 acres) and leased 2,000 acres of land from the William J. Hughes Technical Center at the Atlantic City International Airport.
- ▶ In 2004, SJTA and Pinelands Commission enter into a Memorandum of Agreement (MOA) to authorize SJTA to carry out specified development activities that were not fully consistent with the provisions of the Pinelands Comprehensive Management Plan.

Memorandum of Agreements

- ▶ N.J.A.C. 7:50-4.52(c)
 - ▶ Commission may enter into a MOA with any agency of the federal, State or local government.
 - ▶ Authorizes development:
 - ▶ Consistent with CMP without need to obtain individual permits
 - ▶ Alternate Permitting Process MOA
 - ▶ May not be fully consistent with CMP
 - ▶ Deviation MOA
 - ▶ Requires an offset
 - ▶ Measures that, at a minimum, will afford an equivalent level of protection for the resources of the Pinelands

2004 MOA

- ▶ MOA authorized development of short-term projects:
- ▶ Terminal Area Development
 - ▶ Terminal building and gate construction and improvement
 - ▶ Public parking garage
 - ▶ Rental car maintenance facility and parking lot
 - ▶ Airline freight storage and handling facilities
 - ▶ • General aviation aircraft storage hangars and additional aircraft parking area
 - ▶ • Deicing apron
- ▶ Auxiliary Development Area
 - ▶ Aircraft maintenance hangars
 - ▶ Air freight warehouses
 - ▶ Full length parallel taxiway west of Runway 4-22
 - ▶ Aircraft parking apron and taxiways
 - ▶ Access roadways and parking



2004 MOA (cont.)

- ▶ Hotel/Conference Center
- ▶ Runway 13/31 Upgrades
- ▶ Holding aprons
- ▶ SJTA has completed construction of seven of these projects
 - ▶ Parking garage
 - ▶ Holding aprons
 - ▶ Terminal expansion
 - ▶ Aircraft apron expansion
 - ▶ General aviation hanger
 - ▶ Taxiway improvements
 - ▶ Runway 13-31 upgrades

2004 MOA (cont.)

- Deviation required from Threatened or Endangered Wildlife standard
 - Impacts to T&E bird species (Upland Sandpiper (E) and Grasshopper sparrow (T) because of loss of grassland habitat at the Atlantic City International Airport



95.71 acres of habitat critical to the survival of the local population of Upland sandpiper.



96.4 acres of habitat critical to the survival of the local population of Grasshopper sparrow.

- Deviation required for impacts to wetlands & wetland buffers

2004 MOA (cont.)

► Offsets

- To compensate for the impacts to critical habitat for Upland sandpiper and Grasshopper sparrow, the SJTA proposed to create a Grassland Conservation and Management Plan (GCMP) for a 290-acre area located in the northwest corner of the airport.
- To compensate for wetland and wetland buffer impacts, SJTA designated two "Forest Preservation Area – To be Held in Reserve. No Development Shall Occur:"
 - ~124 acres along Route 30, in the vicinity of the north branch of Absecon Creek.
 - ~283 acres located in the Northeastern portion of the parcel



2019 Amendment to the MOA

- ▶ SJTA requested an amendment of the 2004 MOA to relocate the GCMA from the Atlantic City International Airport parcel offsite to address public health and safety.
- ▶ FAA had revised circular letter in 2006 to prohibit the establishment of T&E habitat at airports
- ▶ Concerns regarding bird strikes at the airport.
 - ▶ Commercial aircraft
 - ▶ Military aircraft
- ▶ Commission authorized execution of MOA Amendment at its 4-12-19 meeting.
- ▶ AMOA required replacement of offset eliminated

Obligations Under the AMOA

- ▶ I. Funding for Pinelands Land Acquisition
 - ▶ Six Annual Payments of \$500,000, 2019-2024
- ▶ II. New Grassland Conservation Management Area
 - ▶ Acquisition of 62 cleared acres
 - ▶ Due 4/16/20, extended to 10/12/21 by the Executive Director and to 2/28/21 by the Commission
 - ▶ Recordation of Deed of Conservation Restriction
 - ▶ Due 3/28/21
 - ▶ Creation and long-term maintenance
 - ▶ Due 4/16/22
- ▶ III. Frosted Elfin Butterfly Habitat Enhancement Project
 - ▶ Enhancement of 12 acres in northeast quadrant of ACY through wild indigo planting
 - ▶ Due 4/16/21
 - ▶ Obtain FAA approval to expand Forest Preservation Area in northeast quadrant to include 12 acres + additional lands, designated as "Held in Reserve. No Development Shall Occur."
 - ▶ Due 2019

Mechanisms in AMOA to Address Missed Deadlines

- ▶ I. Suspension of development activities per 2004 MOA or 2019 AMOA is triggered if SJTA fails to:
 - ▶ Make an annual payment; or
 - ▶ Meet the timelines for either:
 - ▶ The acquisition, creation, and maintenance of new GCMA; or
 - ▶ The enhancement and maintenance of the Frosted Elfin Butterfly habitat
- ▶ II. AMOA Authorizes Submission of Public Development Applications during period of suspension
 - ▶ Applications must include demonstrations as to compliance with all applicable CMP standards, including protection of T&E species.
 - ▶ Applications that comply with all CMP standards may be approved through the normal public development process.

Mechanisms in AMOA to Address Missed Deadlines (continued)

- ▶ SJTA may cure by providing a written agreement itemizing the steps the Authority will take to bring the new GCMA and/or Frosted Elfin Butterfly Enhancement Project back into conformance with the requirements of the AMOA.
 - ▶ The Executive Director, with concurrence of the Commission Chair, may reinstate the AMOA if she finds the written agreement acceptable
- ▶ Limited extensions may be granted by the Executive Director
- ▶ SJTA may request additional extensions from the Commission



Stephen M. Mazur, PE, PP, PTOE, CME
Chief Engineer
South Jersey Transportation Authority

Actions

- ▶ Land Acquisition Funding
 - ▶ First 4 payments submitted to the Commission (\$2 million)
- ▶ New Grassland Conservation Management Area
 - ▶ Site acquired by Atlantic County - December 28, 2020
 - ▶ P&I Committee reviewed and authorized the preferred tree clearing alternative - April 30, 2021
 - ▶ Meeting on site with Advisory Committee conducted - June 24, 2021
 - ▶ Bids submitted for demolition of 8 structures on the site - July 2021
 - ▶ Contract for demolition awarded - August 2021
 - ▶ Pre-construction Meeting held - October 5, 2021
 - ▶ Notice to Proceed issued - October 27, 2021
 - ▶ Development plan submitted to the Commission - December 7, 2021

Actions (continued)

- ▶ Frosted Elfin Butterfly Habitat Enhancement Project
 - ▶ FAA approved Pen & Ink Changes Incorporating 12-acre Frosted Elfin into the Forest Preservation Area on ALP for ACY – Fall 2019
 - ▶ SJTA planted 400 wild indigo plants on 1 acre – Summer 2020
 - ▶ SJTA received confirmation that nursery would provide 900 plants in January 2021 and planted them on 5 acres in June 2021
 - ▶ Local grower agreed to grow up to 3,000 plants if SJTA could provide seeds – July 2021
 - ▶ SJTA successfully harvested wild indigo seeds from the established colony on FAA Tech Center lands.

Remaining SJTA Actions and Obligations

- ▶ Complete application process for creation of new GCMA and obtain Commission approval
- ▶ Record Deed of Conservation Restriction for new GCMA
- ▶ Plant 3,000 wild indigo plants on remaining 6 acres of Frosted Elfin Butterfly habitat enhancement site, with continued monitoring and maintenance
- ▶ Construct and maintain new GCMA
- ▶ Submit 2 remaining land acquisition payments to the Commission

Deadlines Requiring Extension

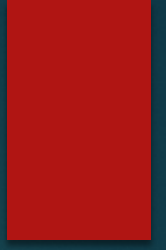
- ▶ I. Filing of Deed of Conservation Restriction for new GCMA
 - ▶ Original deadline: March 28, 2021
 - ▶ Recommended new deadline: April 16, 2023

- ▶ II. Creation/construction of new GCMA
 - ▶ Original deadline: April 16, 2022
 - ▶ Recommended new deadline: April 16, 2026

- ▶ II. Completion of Frosted Elfin Butterfly Habitat Enhancement
 - ▶ Original deadline: April 16, 2021
 - ▶ Recommended new deadline: April 23, 2023



Questions





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1985-0160.014 & 2006-0305.004)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Acting Executive Director that the following applications for Public Development be approved with conditions:

1985-0160.014
Applicant: NJ Department of Environmental Protection
Municipality: Washington Township
Management Area: Pinelands Preservation Area District
Date of Report: January 20, 2022
Proposed Development: Installation of a 4,372 square foot geothermal well field for the heating and cooling of the Batsto Mansion; and

2006-0305.004
Applicant: Southampton Township
Municipality: Southampton Township
Management Area: Pinelands Agricultural Production Area
Date of Report: January 19, 2022
Proposed Development: Reconstruction of the Burrs Mill Road and Retreat Road intersection.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Acting Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1985-0160.014 & 2006-0305.004 for public development are hereby approved subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



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

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

January 20, 2022

Edward Mulvan (via email)
NJ Department of Environmental Protection
501 E. State Street, Mail Code 501-04A
PO Box 420
Trenton, NJ 08625

Re: Application # 1985-0160.014
(DPMC Project No. P1213-00)
Block 8, Lot 1
Washington Township

Dear Mr. Mulvan:

The Commission staff has completed its review of this application for installation of a 4,372 square foot geothermal well field for the heating and cooling of the Batsto Mansion. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Washington Township Planning Board (via email)
Washington Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
William Amann (via email)



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

January 20, 2022

Edward Mulvan (via email)
NJ Department of Environmental Protection
501 E. State Street, Mail Code 501-04A
PO Box 420
Trenton, NJ 08625

Application No.: 1985-0160.014
(DPMC Project No. P1213-00)
Block 8, Lot 1
Washington Township

This application proposes the installation of a 4,372 square foot geothermal well field at the Batsto Mansion located on the above referenced 1,962 acre parcel in Washington Township. The Batsto Mansion is located in Wharton State Forest. The proposed “closed loop” geothermal well system will replace an existing “open loop” geothermal well system and be used to heat and cool the Batsto Mansion with geothermal energy.

The application proposes a “closed loop” geothermal system. The system consists of 15 wells installed to a depth of 500 feet and associated supply and return lines connected to the Batsto Mansion. The system will be filled with 685 gallons of 20 percent propylene glycol and 80 percent water. That mixture circulates through the closed loop system to a depth of 470 feet where the average liquid temperature is 55 degrees Fahrenheit. There will be no discharge from the proposed “closed loop” system.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22(b)8)

The proposed development is located in the Preservation Area District. Wharton State Forest, including the Batsto Mansion, pre-existed the 1981 effective date of the CMP. As an accessory use to the Batsto Mansion, the proposed geothermal well field is permitted in the Preservation Area District.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There is a wetland area located to the south of the existing Batsto Mansion. The Batsto Mansion is located approximately 150 feet from this wetland. The proposed geothermal well field will be located greater than 300 feet from this wetland. The proposed piping connecting the geothermal well field to the Batsto Mansion will be located within an existing maintained lawn area approximately 150 feet from wetlands. The proposed development will not result in a significant adverse impact on the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing maintained lawn area comprised of non-native grasses. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development. The area will remain an existing maintained lawn comprised of non-native grasses.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Based upon the existing site conditions, the location of proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was prepared for the project. The survey identified the presence of significant cultural resources within the area proposed for development.

To protect the identified significant cultural resources, the survey recommends that a 20 x 20 foot area in proximity to the southeast corner of the proposed geothermal well field be fenced off during project construction to protect known subsurface cultural resources. The survey also recommends that archaeological monitoring be conducted during pipe installation connecting the proposed geothermal well field to the Batsto Mansion as depicted on the below referenced plan.

The proposed development is located in the Batsto Historic District. The Batsto Historic District is listed on both the New Jersey Register and the National Registers of Historic Places. Based upon its listing, the Batsto Historic District is a Pinelands designated resource according to the provisions of the CMP (N.J.A.C. 7:50-6.154(a)).

The CMP (N.J.A.C. 7:50-6.156(a)2) provides that no application for development which involves a resource listed on the New Jersey Register or the National Registers of Historic Places shall be approved without first obtaining a certificate of appropriateness unless a cultural resource survey prepared for the application accomplishes the recording of the resource. For this application, the cultural resource survey accomplishes the recording of the significant resources within the area proposed for development. No Certificate of Appropriateness is required for the proposed development.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the

Commission's website on December 15, 2021. The Commission's public comment period closed on January 14, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 2 sheets, prepared by M & E Engineering, Inc. and dated as follows:

SPD101-November 4, 2020; revised December 12, 2021

SP101-November 4, 2020; revised December 13, 2021

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. As depicted on the above referenced plan, to protect the identified significant cultural resources, a 20x20 foot area in proximity to the southeast corner of the proposed geothermal well field shall be fenced off during project construction to protect known subsurface cultural resources. Archaeological monitoring shall be conducted during installation of the pipe connecting the proposed geothermal well field to the Batsto Mansion. A copy of the archaeological monitoring plan should be submitted to the Commission and a report detailing the findings of that monitoring submitted upon completion of project operations.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 7, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

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

January 19, 2022

Kathleen Hoffman (via email)
Southampton Township
5 Retreat Road
Southampton, NJ 08088

Re: Application # 2006-0305.004
Burrs Mill Road and Retreat Road
Southampton Township

Dear Ms. Hoffman:

The Commission staff has completed its review of this application for reconstruction of the Burrs Mill Road and Retreat Road intersection. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Southampton Township Planning Board (via email)
Southampton Township Construction Code Official (via email)
Southampton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Rakesh R. Darji, PE (via email)



PHILIP D. MURPHY
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2022

Kathleen Hoffman (via email)
Southampton Township
5 Retreat Road
Southampton, NJ 08088

Application No.: 2006-0305.004
Burrs Mill Road and Retreat Road
Southampton Township

This application proposes the reconfiguration of the existing Burrs Mill Road and Retreat Road intersection in Southampton Township. The proposed development will remove the existing Y-intersection configuration and replace it with a T-intersection configuration.

The application also proposes to revegetate the portions of the road right of way where existing pavement will be removed.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.24(b)9)

The proposed development is located in a Pinelands Agricultural Production Area. The reconfiguration of an existing intersection is permitted in the Pinelands Area. In addition, new public service infrastructure, including roads, is also a permitted use in a Pinelands Agricultural Production Area.

Wetlands Standards (N.J.A.C. 7:50-6.7)

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The existing intersection predates the 1981 effective date of the Commission's regulations. The existing Y-intersection is located between approximately five feet and 25 feet from wetlands. At its closest point, the proposed T-intersection will be located approximately 30 feet from wetlands. The proposed intersection is located further from wetlands than the existing intersection. The proposed intersection will not result in a significant adverse impact on the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within the existing paved roadway and maintained grassed shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes a seed mixture which meets that recommendation.

PUBLIC COMMENT

The CMP defines the proposed development as 'minor' development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on December 15, 2021. The Commission's public comment period closed on January 14, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 2 sheets, prepared by Environmental Resolutions, Inc., dated May 3, 2021 and last revised October 22, 2021.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 7, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: **Approving** With Conditions Applications for **Waivers of Strict Compliance** (Application Numbers 1989-0461.003 & 1995-1379.001)

Commissioner _____ **moves and Commissioner** _____ **seconds the motion that:**

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Acting Executive Director that the following applications for Waivers of Strict Compliance be approved with conditions:

1989-0461.003	
Applicant:	Robert J. Smith
Municipality:	Monroe Township
Management Area:	Pinelands Rural Development Area
Date of Report:	January 19, 2022
Proposed Development:	Single family dwelling; and

1995-1379.001	
Applicant:	Ryan & Alison DiDonato
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	January 21, 2022
Proposed Development:	Single family dwelling.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Acting Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waivers conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Acting Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1989-0461.003 & 1995-1379.001 for Waivers of Strict Compliance are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

January 19, 2022

Robert J. Smith (via email)
18 Steeplechase Drive
Turnersville, NJ 08012

Re: Application # 1989-0461.003
Block 7601, Lot 1
Monroe Township

Dear Mr. Smith:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance ("Waiver") proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by a standard onsite septic system on the above referenced 20.7 acre parcel in Monroe Township. The parcel is located in a Pinelands Rural Development Area and in Monroe Township's RD-RR zoning district. In this zoning district, Monroe Township's certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling.

The parcel has been inspected by a member of the Commission staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The CMP (N.J.A.C. 7:50-6.14) requires that all development maintain a 300 foot buffer to wetlands unless an applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 191 feet of wetlands.

Information available to the Commission staff indicates the potential presence of threatened and endangered (T&E) animal species or habitat critical to their survival and populations of T&E plant species on and in the vicinity of the parcel. The applicant proposes to locate all development on the 20.7 acre parcel within a proposed 0.37 acre development envelope fronting on an existing paved road. The applicant proposes to impose a deed restriction on the remaining 20.33 acres of the parcel to prohibit any further development, including clearing or land disturbance, unless a T&E species survey is undertaken demonstrating consistency with the T&E species protection standards of the Monroe Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development is designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of T&E animal species or to any local population of T&E plant species in accordance with the CMP (N.J.A.C. 7:50-6.27 and 6.33).

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Monroe Township's certified land use ordinances. A single family dwelling can be developed on the parcel without violating any of the criteria contained in the CMP (N.J.A.C. 7:50-4.65(b)) if the conditions recommended below are imposed.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on April 29, 2021. Newspaper public notice was completed on December 28, 2021. The application was designated as complete on the Commission's website on January 3, 2022. The Commission's public comment period closed on January 14, 2022. No public comments regarding this application were submitted to the Pinelands Commission.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) of the CMP have been met.

The CMP (N.J.A.C. 7:50-4.63(a)) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain development specified in N.J.A.C. 7:50-4.63(a)1. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards of N.J.A.C. 7:50-

5.26(a) and (c). The application proposes to develop a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 20.7 acre parcel meets the residential density and lot area standards established in this portion of the Pinelands Rural Development Area in Monroe Township's certified land use ordinances. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1vii.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Monroe Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the RD-RR zoning district, Monroe Township's certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling. This application proposes to develop a single family dwelling on a 20.7 acre parcel. No municipal lot area or density variances are required to develop the proposed single family dwelling. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria listed in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the application meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), it has been demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the application is obtaining a Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to acquire and redeem the requisite 0.25 PDCs.

To meet the CMP Waiver requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Kates Schneider Engineering, LLC, dated April 13, 2021 and last revised December 9, 2021.
2. The septic system shall be located in an area where the seasonal high water table is at least five feet below the natural ground surface and in the area shown on the above referenced plan.
3. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, a copy of a recorded deed restriction proposed by the applicant must be submitted to the Commission prohibiting any development, including clearing and land disturbance, outside of the designated development envelope on the above referenced plan unless a threatened and endangered species survey is undertaken demonstrating consistency with the threatened and endangered species protection standards.
4. Appropriate measures shall be taken prior to construction to preclude sedimentation from entering wetlands.
5. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
6. The driveway shall be constructed of crushed stone or other permeable material.
7. The septic system shall be located at least 250 feet from all wetlands. All other development, including clearing and land disturbance, shall be located at least 191 feet from all wetlands. No development, including clearing and land disturbance, shall occur except as shown on the above referenced plan.
8. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
9. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
10. This Waiver shall expire February 11, 2027 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 11, 2027, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.

11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, Monroe Township, the Gloucester County Health Department, and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14 of the CMP.

Since the applicant meets the CMP Waiver requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 7, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.



Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Monroe Township Planning Board (via email)
Monroe Township Construction Code Official (via email)
Monroe Township Environmental Commission (via email)
Secretary, Gloucester County Planning Board (via email)
Gloucester County Health Department (via email)



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

January 21, 2022

Ryan & Alison DiDonato (via email)
131 Nightengale Sq.
Mays Landing, NJ 08330

Re: Application # 1995-1379.001
Block 1135.01, Lot 5
Hamilton Township

Dear Mr. & Mrs. DiDonato:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance ("Waiver") proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by a standard onsite septic system, on the above referenced 4.3 acre parcel in Hamilton Township. The parcel is located in a Pinelands Regional Growth Area and in Hamilton Township's GA-I zoning district. In this zoning district, Hamilton Township's certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling serviced by a standard septic system.

A Waiver from the required buffer to wetlands requirement for the development of a single family dwelling on the parcel was approved by the Pinelands Commission on February 13, 2015. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) specifies that a Waiver expires five years after the date of Commission approval unless all necessary construction permits have been issued within the five year period, the authorized work is commenced within 12 months after issuance of the construction permits and no such permit becomes invalid after the five year period. No information was provided to the Commission staff demonstrating that a construction permit was issued by February 13, 2020, the date that the approved Waiver expired, or if any such construction permit was issued before the expiration date, that the permit remained valid.

Based upon the expiration of the Waiver on February 13, 2020, the applicant has completed this second application for a Waiver for the parcel.

A development application was completed with the Pinelands Commission prior to the February 13, 2015 Waiver. Based upon completion of that application, the Commission issued a Certificate of Filing (Inconsistent) on December 2, 1996 for the proposed single family dwelling. The Certificate of Filing noted that the proposed single family dwelling was inconsistent with the buffer to wetlands requirement of the Hamilton Township land use ordinance and the CMP.

The parcel has been site inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The CMP (N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands.

Information available to the Commission staff indicates the potential presence of threatened and endangered (T&E) animal species or habitat critical to their survival and populations of T&E plant species on and in the vicinity of the parcel. The applicant proposes to locate all development on the 4.3 acre parcel within a proposed 0.74 acre development envelope fronting on an existing paved road. The applicant proposes to impose a deed restriction on the remaining 3.56 acres of the parcel to prohibit any further development, including clearing or land disturbance, unless a T&E species survey is undertaken demonstrating consistency with the T&E species protection standards of the Hamilton Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development is designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of T&E animal species or to any local population of T&E plant species in accordance with the CMP (N.J.A.C. 7:50-6.27 and 6.33).

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Hamilton Township's certified land use ordinance. A single family dwelling can be developed on the parcel without violating any criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on October 7, 2021. Public notice to all property owners within 200 feet of the parcel was completed on

November 22, 2021. The application was designated as complete on the Commission's website on December 3, 2021. The Commission's public comment period closed on January 14, 2022. No public comment regarding this application was submitted to the Pinelands Commission.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on an extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) of the CMP have been met.

The CMP (N.J.A.C. 7:50-4.63(a)) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain development specified in N.J.A.C. 7:50-4.63(a)1. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Regional Growth Area which is at least 20,000 square feet, excluding road rights of way, in size and will be serviced by an onsite septic system. This application proposes a single family dwelling in a Pinelands Regional Growth Area that will be serviced by an onsite septic system on a 4.3 acre (187,308 square feet) lot. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Hamilton Township's master plan and land use ordinances have been certified by the Pinelands Commission. In the GA-I zoning district, Hamilton Township's certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling serviced by a standard onsite septic system. This application proposes to develop a single family dwelling serviced by a standard onsite septic system on a 4.3 acre lot. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (N.J.A.C. 7:50-4.65(b)) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed

development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the application is obtaining a Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included in this Report to require the applicant to purchase the requisite 0.25 Pinelands Development Credits.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Bernard Surveying LLC, dated April 16, 2012 and revised to December 4, 2014.301
2. To meet the wetlands protection and threatened and endangered species protection standards of the Hamilton Township land use ordinance and the CMP, all development, including clearing and land disturbance, shall be located within the proposed 0.74 acre development envelope as depicted on the above referenced plan.
3. The proposed septic system shall be located in an area where the seasonal high water table is at least five feet beneath the natural ground surface.
4. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

6. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
7. The driveway shall be constructed of crushed stone or other permeable material.
8. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
9. This Waiver shall expire February 11, 2027 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 11, 2027 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
10. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, a copy of a recorded deed restriction must be submitted to the Commission prohibiting any development, including clearing and land disturbance, outside of the designated 0.74 acre development envelope depicted on the above referenced plan unless a threatened and endangered species survey is undertaken demonstrating consistency of any such proposed development with the threatened and endangered species protection standards of the Hamilton Township land use ordinance and the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.27 and 6.33).
11. If a threatened and endangered species survey is undertaken demonstrating that proposed development outside of the designated 0.74 acre development envelope is consistent with the above referenced threatened and endangered species protection standards, any proposed development must maintain a 300 foot buffer to wetlands unless it is also demonstrated that a lesser buffer will not result in a significant adverse impact on wetlands in accordance with the wetlands protection standard of the Hamilton Township land use ordinance and the of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.7).
12. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance approved by the Pinelands Commission on February 11, 2022 for App. No. 1995-1379.001. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, the Atlantic County Division of Public Health, Hamilton Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14 of the CMP.

Since the applicant meets the CMP Waiver requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is

recommended that the Pinelands Commission **APPROVE** the requested Waiver subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 8, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: 
 Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Hamilton Township Planning Board (via email)
 Hamilton Township Construction Code Official (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Atlantic County Division of Public Health (via email)



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



LAURA E. MATOS
Chair

SUSAN R. GROGAN
Acting Executive Director

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

MEMORANDUM

To: Members of the Pinelands Commission

From: D. Brad Lanute, AICP 
Planning Specialist

Date: February 1, 2022

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed one master plan amendment and two ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). They included the following:

Evesham Township 2021 Amended Housing Element and Fair Share Plan – amends the Township’s Housing Element and Fair Share Plan to include updated data and analysis on current and projected demographic, housing stock, and employment characteristics. The amendments also include updated information on the completed and proposed mechanisms to address the Township’s affordable housing obligation. The Township’s amended Fair Share Plan does not include any proposed affordable housing development in the Pinelands Area portion of the Township.

Pemberton Township Ordinance 31-2021 - adopts a Redevelopment Plan for the Municipal Landfill Site. The redevelopment area consists of one lot (Block 906, Lot 1.01) approximating 27 acres. The lot is the site of an inactive municipal solid waste landfill that ceased operation on or about March 1980. The redevelopment area is located in the Township’s Preservation (P) Zone and within the Pinelands Preservation Area District. The purpose of the redevelopment plan is to promote the remediation and reuse of the municipal landfill site for a solar energy facility. The plan includes various bulk, landscaping and design requirements including standards consistent with the CMP for the development of solar energy facilities in the Preservation Area District (N.J.A.C. 7:50- 5.36), composting facilities at closed landfills (N.J.A.C. 7:50-6.77(b)), and local wireless facilities (N.J.A.C. 7:50-5.4(c)).

Pemberton Township Ordinance 38-2021 - amends Chapter 190 (Zoning) of the Code of Pemberton Township by adopting an amended zoning map dated May 3, 2021. Revisions to the zoning map include the rendering of previously adopted Redevelopment Areas including: the Browns Mills Redevelopment Area, the Minimum Security Corrections Facility Redevelopment Area, and the Rowan College at Burlington County Redevelopment Area. These three Redevelopment Areas are located within the Pinelands Area and each were previously certified by the Commission. The zoning map also modifies the zoning boundary splitting Block 854, Lot 16.01 to correct for a prior mapping error.