



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  
TAHESHA L. WAY  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## MEMORANDUM

To: CMP Policy & Implementation Committee

From: Gina A. Berg *gab*  
Director, Land Use Programs

Date: May 22, 2024

Subject: May 31, 2024 Committee meeting

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Enclosed please find the agenda for the Committee's upcoming meeting on Friday, May 31, 2024. We have also enclosed the minutes from the Committee's April 26, 2024 meeting.

The Committee meeting will be conducted in-person and via teleconference. Specific access information will be provided to all Committee members in a separate email. The public is invited to attend the meeting in-person or view and participate in the meeting through the following YouTube link:

[www.youtube.com/c/PinelandsCommission](http://www.youtube.com/c/PinelandsCommission)



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## CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

May 31, 2024 – 9:30 a.m.

**This meeting will be held in-person and virtually**

Richard J. Sullivan Center for Environmental Policy and Education  
Terrence D. Moore Conference Room  
15C Springfield Road  
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

[www.youtube.com/c/PinelandsCommission](https://www.youtube.com/c/PinelandsCommission)

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 815 6488 9522

### Agenda

1. Call to Order
2. Adoption of minutes from the April 26, 2024, CMP Policy & Implementation Committee Meeting
3. Update on Open Public Records Act Legislation
4. Overview of NJDEP Model Tree Removal Ordinance
5. Long-Term Economic Monitoring Work Plan for National Park Service Task Agreement
6. Public Comment
7. Adjournment

## **CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

This meeting was conducted both remotely and in-person  
The public could view/comment through Pinelands Commission YouTube link:

[www.youtube.com/c/PinelandsCommission](http://www.youtube.com/c/PinelandsCommission)

Richard J. Sullivan Center  
15C Springfield Rd  
New Lisbon, New Jersey 08064  
**April 26, 2024 – 9:30 a.m.**

### **MINUTES**

**Members in Attendance:** Alan W. Avery, Jr., Theresa Lettman, Mark S. Lohbauer, Chair Laura E. Matos

**Members Absent:** Jerome H. Irick, Douglas Wallner

**Other Commissioners Present:** Jessica Rittler Sanchez (*as a non-member of the Committee, Commissioner Rittler Sanchez did not vote on any matter*)

**Staff Present:** Gina Berg, John Bunnell, Ernest Deman, Katie Elliott, Susan R. Grogan, Brad Lanute, Paul Leakan, Jessica Noble, and Stacey P. Roth. Also in attendance was Alexis Franklin with the Governor's Authorities Unit.

#### **1. Call to Order**

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

#### **2. Adoption of minutes from the February 23, 2024 CMP Policy & Implementation Committee Meeting**

Commissioner Lohbauer moved the adoption of the February 23, 2024 meeting minutes. Commissioner Avery seconded the motion. Commissioners Avery, Lettman, Lohbauer, and Matos voted to adopt the minutes. The motion passed unanimously.

#### **3. Review of the Executive Director's report on Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01**

Executive Director Susan R. Grogan provided an overview of the prior sub-regional planning efforts in the Toms River Corridor in Manchester and Jackson Townships, referring to two maps projected (attached). She stated that this prior planning was relevant to the redevelopment plan under consideration today. She described the composition of the Toms River Corridor Task Force as well as the planning work that the Task Force undertook between 2003 and 2004 that led to the Regional Natural Resource Protection Plan for the Toms River Corridor. The plan was endorsed by the Pinelands Commission in 2004. She described the implementation of various recommendations of the plan that sought to further protect the area's natural resources, including: the preservation of target areas, changes to zoning and Pinelands management areas,

requirements to cluster residential development, revised surveying methods for threatened and endangered species, and the establishment of protected habitat corridors along the Toms River and Ridgeway Branch.

Chief Planner Brad Lanute presented staff findings on Manchester Township Ordinance 24-02. He said the ordinance adopts a redevelopment plan for two contiguous lots in the Township's Regional Growth Area. He described the redevelopment area and the surrounding vicinity referring to map Exhibit 1 (attached). He stated that the redevelopment area totals 224 acres in area and is the site of a former resource extraction operation.

Mr. Lanute said the plan establishes an optional overlay zoning district encompassing the entire redevelopment area. The current, underlying zoning would remain in effect if the redevelopment plan were not implemented. Permitted uses in the optional overlay zone include light industrial uses, warehouses, distribution centers, wholesaling, flex space, indoor recreation, scientific and research facilities, business or professional offices, and indoor agriculture. Conditionally permitted uses include online commerce businesses and outdoor recreation. For those uses other than outdoor recreation, a maximum gross floor area of 1.2 million square feet is permitted within the redevelopment area. Outdoor recreation uses are limited to four acres and must be associated with the adjacent Renaissance Village residential community.

Mr. Lanute stated that for non-residential development other than outdoor recreation, Pinelands Development Credits (PDCs) are required to be redeemed at a rate of one quarter (1/4) PDC for every 11,500 square feet of gross floor area. For outdoor recreation, PDCs are required to be redeemed at a rate of one quarter (1/4) PDC for every 1.34 acres of conditionally permitted outdoor recreation use.

Mr. Lanute then described the concept plan included in the redevelopment plan, referring to map Exhibit 2. He said the concept plan renders proposed warehouses in the southern portion of the redevelopment area as well as an 88-acre conservation area in the northern portion of the redevelopment area. The redevelopment plan requires a deed-restricted conservation area in recognition of known critical habitat for threatened and endangered (T&E) species within the redevelopment area. No development would be permitted in the deed-restricted conservation area, except for the removal of Freemont Avenue as required by the redevelopment plan. The exact delineation of the conservation area will be established during application review by the Pinelands Commission and the Manchester Township Planning Board.

Mr. Lanute described the existing, underlying zoning referring to map Exhibit 3. He said the entirety of the redevelopment area is in the Township's Pinelands Environmental Development-1 (PED-1) District. He described how the creation of the PED-1 District as well as the contiguous PED-9 District within Manchester Township and the contiguous PED-1 and PED-9 Districts in Jackson Township resulted from the Toms River Corridor Plan. The zoning sought to maximize the protection of threatened and endangered species habitat while still allowing development on less critical portions of the tract. This included incentives to concentrate all development potential of the PED Districts to the PED-1 District in Manchester Township, aligning with the boundaries of the redevelopment area under review. He said that Manchester Township's PED-1 District currently permits a planned retirement community of up to 385 units. PDCs are required

to be redeemed for 30 percent of the market-rate units, providing an opportunity for the use of up to 105 PDC rights.

Mr. Lanute reiterated that the opportunity to develop up to 385 units in Manchester Township's PED-1 Zone would still be an option if the redevelopment plan is certified but not implemented. However, based on recent application activity, it is anticipated that the site will likely be developed exclusively for non-residential uses. He stated that, given the prior zoning of the area as Pinelands Office, Research, and Light Industrial and the surrounding non-residential uses in Jackson Township, residential or non-residential uses would be appropriate in the area. He also said that if the proposed development of 1.2 million square feet of non-residential buildings is approved under the plan, it would require the redemption of 105 PDC rights, aligning with the current PDC potential under the current PED-1 Zoning.

Mr. Lanute said that oral and written public comments were received and incorporated into the Executive Director's Report, along with staff responses to some of the comments. He said the Executive Director is recommending certification of the ordinance and is asking for a recommendation from the P&I Committee on whether or not the full Commission should certify Ordinance 24-02.

Commissioner Lohbauer asked if there were concerns about T&E species located in the areas outside of the proposed conservation area and if additional surveys would be required for the second lot. Mr. Lanute responded that extensive T&E surveys have been done over the years and recently for the entirety of the site, including both lots. ED Grogan said that the most recent survey work took into consideration the whole regional growth area site, not just the conservation area, as well as adjacent preserved lands in the Rural Development Area. That survey work resulted in the proposed conservation area included in the redevelopment plan.

Commissioner Lohbauer asked if further T&E studies would be required on this site as part of the completion of a development application. ED Grogan said the surveying work has been done recently. When a complete application is submitted, staff will determine whether more survey work is required. She said that if an application is not submitted for another 10 years, more survey work would likely be needed in the area where they intend to build. She said that we have a general idea of where the development can occur on the site and where the conservation area needs to be. As part of an actual application, the final boundaries of the conservation area would have to be determined, which may require additional survey work.

Commissioner Lohbauer asked for details about the comments that were received, particularly from the Manchester Environmental Commission. He said the comments indicate that T&E species are located in the area to be developed and that the Environmental Commission would prefer the development to occur in the areas previously mined.

Mr. Lanute said that the Vice Chair of the Environmental Commission submitted comments on the Environmental Commission's behalf. He said the Environmental Commission objected to the location of the proposed warehouse development in the forested area of the site instead of the previously mined area. The Environmental Commission did not object to the uses outlined in the redevelopment plan. ED Grogan said it is not clear whether the Environmental Commission had

the opportunity to review the T&E surveys that have been done in the area, so we do not know whether they were aware of the critical habitat that was found in the previously mined portion of the site.

Mr. Lanute stated that the Environmental Commission was also concerned with the stormwater facilities depicted on the plan that they reviewed. He said the submitted concept plan is not a site plan and that the proposed stormwater management facilities would be reviewed as part of a development application to the Pinelands Commission for consistency with the standards of the CMP. He said that once a complete application is submitted to the Pinelands Commission, it would then move forward to the Township's Planning Board, which should provide the Environmental Commission with the opportunity to review and comment on the site plan rather than the concept plan.

Commissioner Lohbauer said he was hopeful that the Climate Committee would take up the discussion of a CMP amendment that would allow consideration of climate issues in any development project. He said there is nothing in the CMP that would allow the Commission to exercise a preference against removing the forest here.

Commissioner Lohbauer asked if this is an overlay area because it is a redevelopment area, and if the Commission should consider whether it is an appropriate use of the redevelopment authority to include an area that is pristine forest. ED Grogan said that this redevelopment plan does include a forested area and noted underlying zoning and prior Toms River Corridor sub-regional planning efforts. She added that although the redevelopment designation is being used, the uses that are being permitted and the various standards that are included in the redevelopment plan could have been adopted by the Township through a traditional zoning amendment to allow for warehouses. She said the concern about use of redevelopment designations for vacant lands is shared, but not in this situation because the site is already zoned for intensive development.

ED Grogan said that if this redevelopment plan were certified and a development application were approved, it would require the redemption of 105 PDC rights. The redemption of 105 PDC rights would preserve approximately 500 to 600 acres of land in sending areas where actual pristine forest is located, and that sometimes gets lost during discussions of site-specific impacts. The site-specific impacts are important, but there is also the bigger picture of focusing growth in Regional Growth Areas to protect the most important ecological areas of the Pinelands.

Commissioner Avery stated that when the Toms River Corridor Plan was being formulated, the task force was seeking to reduce the overall residential density of development that was designated for that area in the original CMP, largely because better T&E data became available. He said the task force was concerned about the mechanisms for meeting the land preservation goals in the plan. However, the Corridor Plan's preservation goals have been exceeded and the overall density reduced in both Jackson and Manchester Townships. He said the Toms River Corridor Plan really worked, and he credited the towns that implemented the recommendations. He said that he supported the redevelopment plan because the site could be developed anyway.

Commissioner Lettman asked for clarification on the lots that were included in the plan and said she was unable to find Block 62, Lot 31.01 on the Commission's interactive maps. Mr. Lanute

responded that Lot 31.01 does exist, but the state's parcel layer had not been updated since Lot 31 was subdivided to create Lot 31.01.

Commissioner Lettman asked for clarification on which lot, 30 or 31.01, would be the conservation lot. Mr. Lanute responded that the proposed conservation area does not follow lot lines, spanning portions of both lots, but would primarily be on Lot 31.01.

Commissioner Lettman said she would be abstaining from the vote on this matter because there seemed to be missing information or conflicting ordinances. She said that Ordinance 24-02 states that it is adopting a redevelopment plan associated with Ordinance 23-35. Commissioner Lettman asked why Ordinance 23-35 was not referenced in the ED report. ED Grogan responded that the Township adopted Ordinance 23-35 without addressing all of the staff's initial concerns with the redevelopment plan. The Township was required to make additional amendments to the redevelopment plan. This was done through the adoption of Ordinance 24-02 and a revised redevelopment plan. Ordinance 24-02 superseded the prior ordinance and is the only ordinance reviewed by the report and under consideration for Commission approval.

Commissioner Lettman said she was not able to identify the correct plan and ordinance through her on-line searches. She said she does not feel comfortable voting at today's Committee meeting.

Commissioner Lettman said that it was her interpretation that the comments from the Township Environmental Commission were critical of the redevelopment plan, not the concept plan. Mr. Lanute said that it is not clear what materials were reviewed by the Environmental Commission because a complete application for development had yet to be submitted to the Commission. ED Grogan stated the concept plan is contained in the redevelopment plan.

Commissioner Lettman asked whether a letter from Charles Horner, Director of Regulatory Programs, to the redeveloper was submitted as a comment or included by staff. ED Grogan said it was submitted as part of a public comment.

Commissioner Lettman asked whether the comments from Emile DeVito have been addressed in the redevelopment plan. Mr. Lanute said that Mr. DeVito's comments pertained to T&E locations. He reiterated that T&E habitat concerns have been addressed through numerous surveys that resulted in the proposed conservation area. He said the redeveloper was seeking confirmation from the Regulatory Programs Office that the conservation area aligns with the T&E survey findings. He said the letter from Mr. Horner responded to the request for confirmation in considering the conservation area boundaries depicted in the concept plan that is included in this redevelopment plan.

Commissioner Lettman said the redevelopment plan does not include the additional 300' buffer called for in the Toms River Corridor Plan. Mr. Lanute said the Toms River Corridor special buffer protections applied only to the main stem of the Toms River and the Ridgeway Branch. The stream along the southern boundary of the property is a tributary to the Ridgeway Branch and was not included in recommendations for the additional buffer requirements. ED Grogan said Manchester Township had adopted the recommended buffer requirements.

Chair Matos asked for a motion to recommend certification of the ordinance to the full Commission. Commissioner Avery made the motion. Commissioner Lohbauer seconded. Commissioners Avery, Lohbauer, and Matos voted in favor and Commissioner Lettman abstained. Therefore, the motion failed.

ED Grogan said the matter would move forward to the Commission's May meeting without a recommendation from the committee.

#### **4. Update on the Pinelands Preservation Summit & Pinelands Conservation Fund (PCF) Grant Round**

Prior to the start of the presentation and discussion, Commissioner Avery recused himself from the meeting due to his position as Chair of the Ocean County Natural Lands Trust, which may submit a project for funding through the Pinelands Conservation Fund (PCF).

Gina Berg, Director, Land Use Programs, presented a summary of the second annual Land Preservation Summit hosted by the Commission on April 4, 2024 (presentation attached). She described the attendees, the topics discussed, and key takeaways. Ms. Berg then discussed the schedule for the upcoming round of PCF land acquisition grants. She said the schedule provided at the February meeting has been slightly modified. Staff now intends to send out invitations for proposals on May 3, 2024, with a submission deadline of September 16, 2024. Staff would then prepare recommendations for the Committee's consideration at its October meeting. Ms. Berg also said staff proposes to offer grants totaling \$3 million dollars as part of this round. This level of funding would offer all the available PCF funding for land acquisition. ED Grogan asked the Committee whether there were any objections to the level of funding being considered.

Commissioner Rittler Sanchez asked whether there was any advantage to holding any money back. ED Grogan stated, no, and that she is hopeful that in offering the full amount, the Commission will receive applications for larger land acquisitions. She said that if there is money remaining after this round, the Commission could put it towards a future round.

There were no other objections voiced by the Committee regarding the proposed level of funding for the upcoming round, and Committee members were supportive of the schedule and funding level.

There being no further questions or comments, Chair Matos closed the discussion.

#### **5. PCF Stewardship Monitoring Report**

Planning Specialist Katie Elliott presented an overview of stewardship monitoring visits conducted in November 2023 through January 2024 of five sites previously preserved through the PCF, including findings and takeaways from the site visits. (presentation attached)

Chair Matos thanked Ms. Elliott and opened the floor to questions from Commissioners.

Commissioner Rittler Sanchez asked from which division of the New Jersey Department of Environmental Protection (NJDEP) was the accompanying land steward at the Lenape Farms site visit. Ms. Elliott said the Lenape Farms visit was conducted without a site manager present. Commissioner Rittler Sanchez asked which organization would be responsible for future stewardship of the Lenape Farms tract. Paul Leakan, Communications Officer, said that Lenape Farms is part of Tuckahoe Wildlife Management Area. ED Grogan said stewardship would be done through the Fish and Wildlife division of the NJDEP.

Commissioner Rittler Sanchez asked what the stewardship requirements are for the preserved lands. ED Grogan said that PCF deed restrictions do not require site inspections and reports, which is some of the reasoning behind staff conducting these site visits. She concluded by saying that the site visits could also support Commission efforts to assist land managers with future stewardship activities if funding is secured through the America the Beautiful Challenge grant program.

Commissioner Rittler Sanchez said that nonprofits with Green Acres funds are held to certain standards for maintaining the property. Ms. Berg said that stewardship issues were raised at the 2023 Pinelands Preservation Summit and the Commission is exploring grant opportunities for restoration projects. She said that the America the Beautiful grant application included a conservation planning element for non-profit and county partners with an implementation piece for state-owned lands. She said that land preservation partners gave letters of support for the grant application.

Commissioner Lohbauer complimented staff for conducting site visits. He expressed his support for the focus on the stewardship and monitoring side of land preservation.

There being no further questions or comments, Chair Matos closed the discussion.

## **6. Public Comment**

Heidi Yeh of the Pinelands Preservation Alliance (PPA) said she understands that redevelopment designations are outside the scope of the Pinelands Commission, but that PPA is concerned with how redevelopment designations can move incentives from land that is actually in need of redevelopment to greenfields. She said this would undermine the original intention of the redevelopment rules and expressed concern that in South Jersey, municipalities often use the redevelopment designation process to subvert public awareness and participation in the zoning process. She said that these deals are usually done behind closed doors and not in the public way that zoning changes otherwise would be. Ms. Yeh also commented that the Commission should revisit Commissioner Lohbauer's recommendation to the Climate Committee to implement a no-net-loss of trees policy, which would also make conserving land a higher priority. Ms. Yeh closed by thanking the Commission for recognizing the need to fund stewardship in conservation plans.

**7. Adjournment**

There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Avery seconded the motion. All voted in favor. The meeting was adjourned at 11:09 a.m.

Certified as true and correct:



Date: May 20, 2024

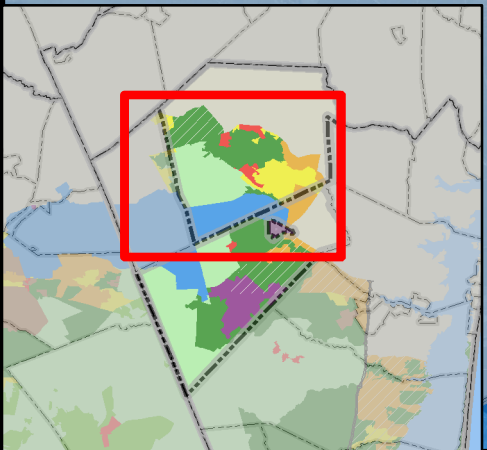
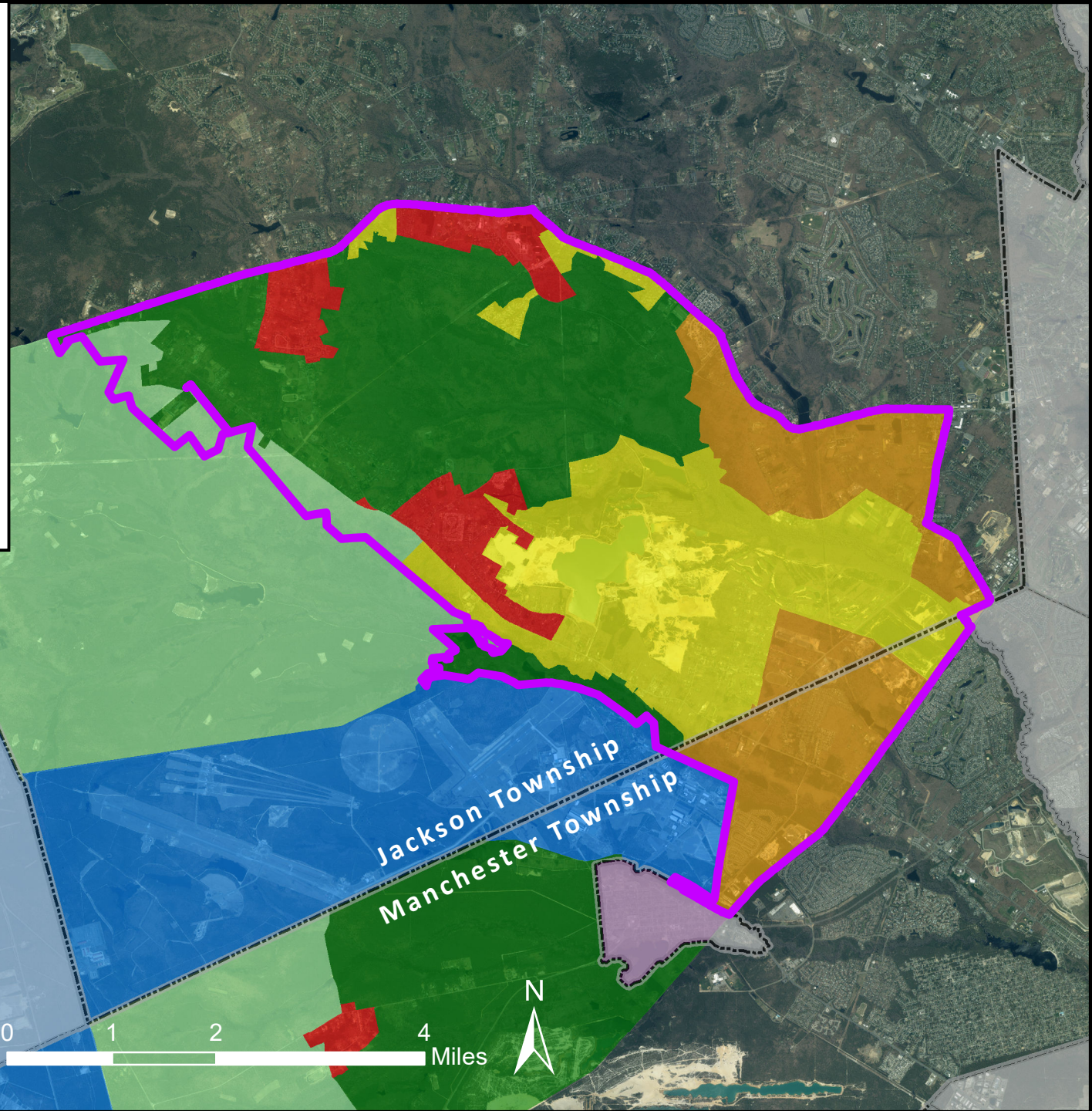
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Katie Elliott,  
Planning Specialist

# Toms River Corridor Plan

## Pinelands Management Areas

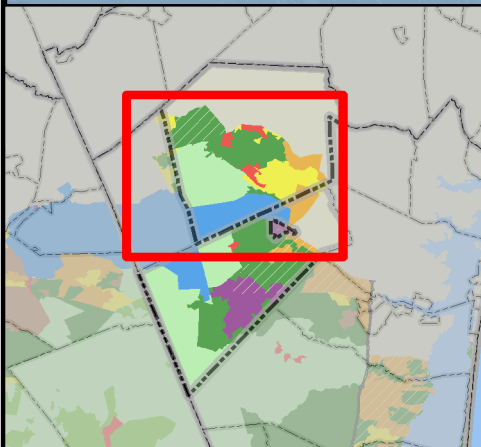
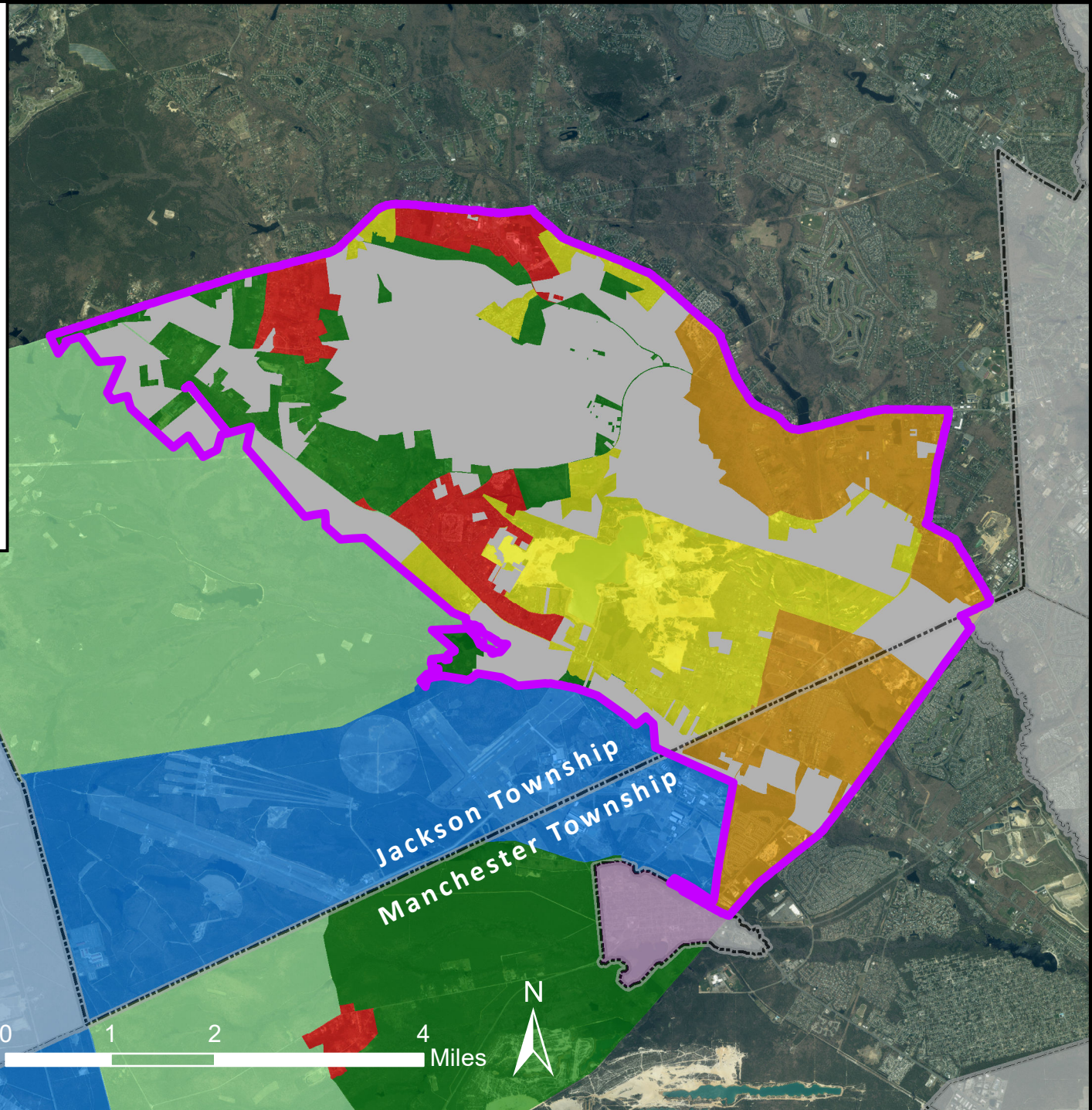
-  Preservation Area
-  Forest Area
-  Rural Development Area
-  Pinelands Village
-  Pinelands Town
-  Regional Growth Area
-  Federal or Military Facility
-  Study Area
-  Municipal Boundaries
-  Permanently Protected Land



# Toms River Corridor Plan

## Pinelands Management Areas

-  Preservation Area
-  Forest Area
-  Rural Development Area
-  Pinelands Village
-  Pinelands Town
-  Regional Growth Area
-  Federal or Military Facility
-  Study Area
-  Municipal Boundaries
-  Permanently Protected Land



# Manchester Township Ordinance 24-02

- Pinelands Management Areas**
- Rural Development Area
  - Regional Growth Area
- Legend:**
- Municipal Boundaries
  - Redevelopment Area
  - Municipal Zoning Boundary

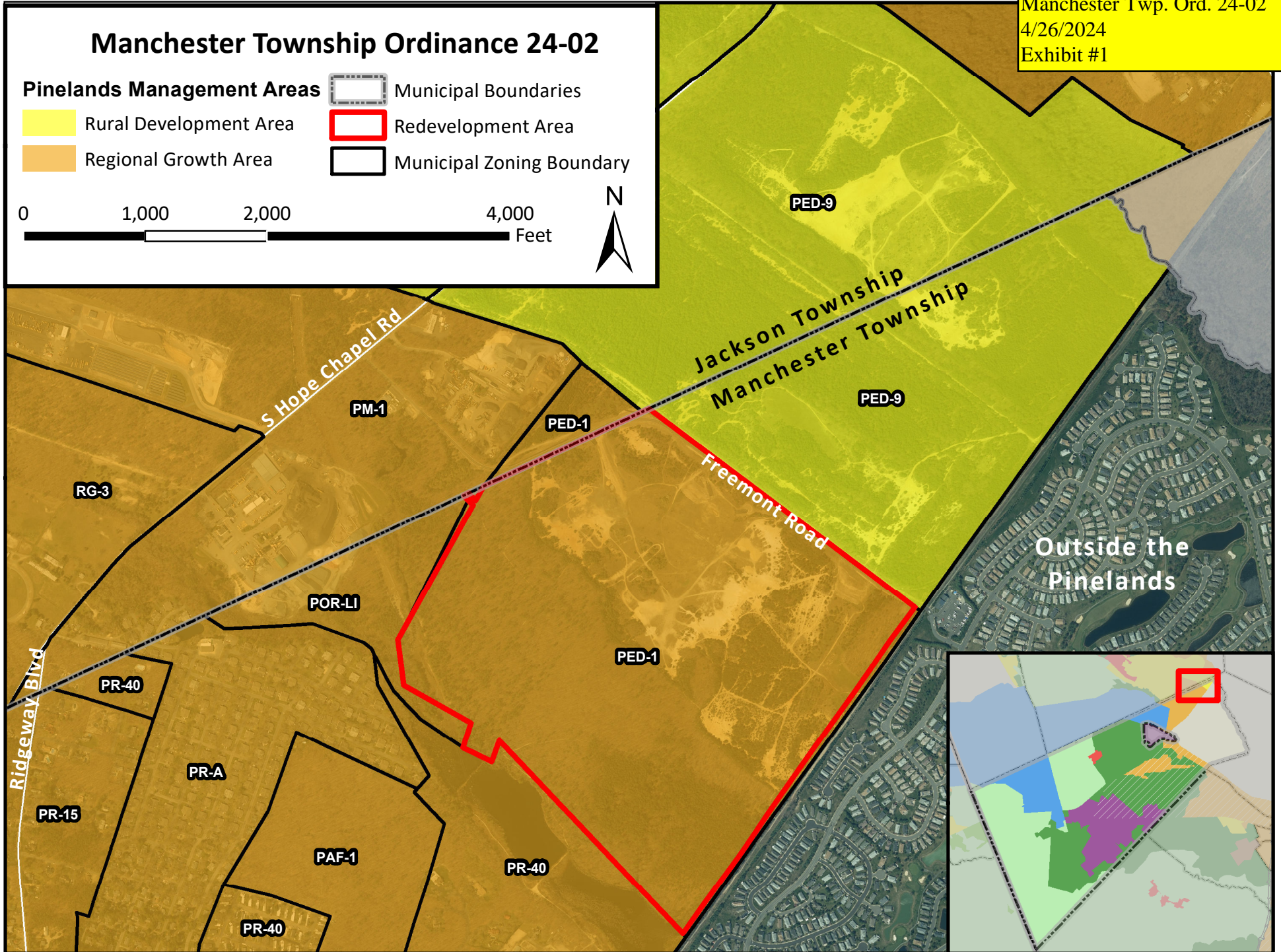
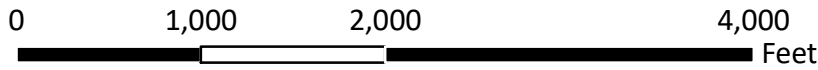
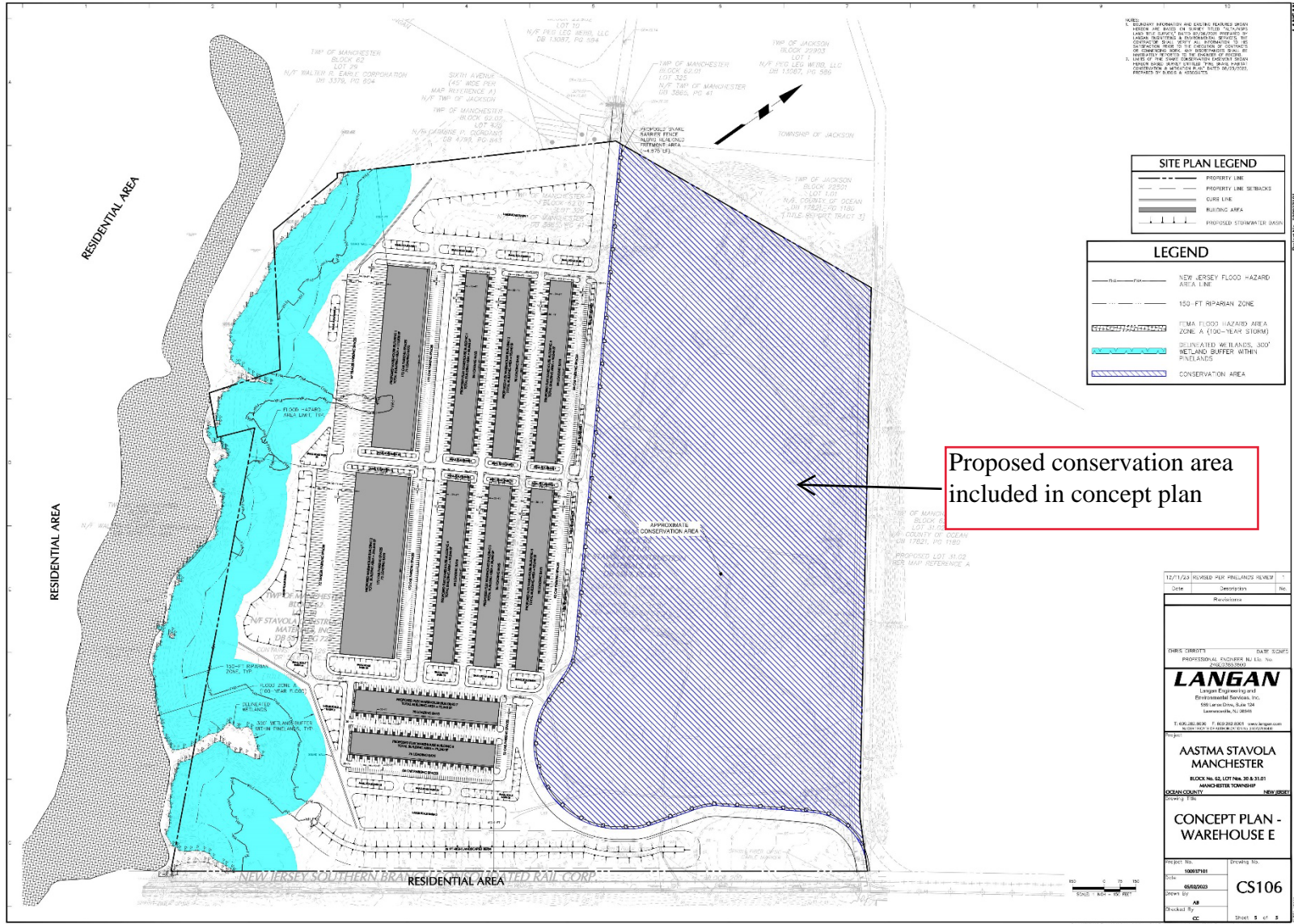


Figure 6 – Illustrative Concept Plan



Proposed conservation area included in concept plan

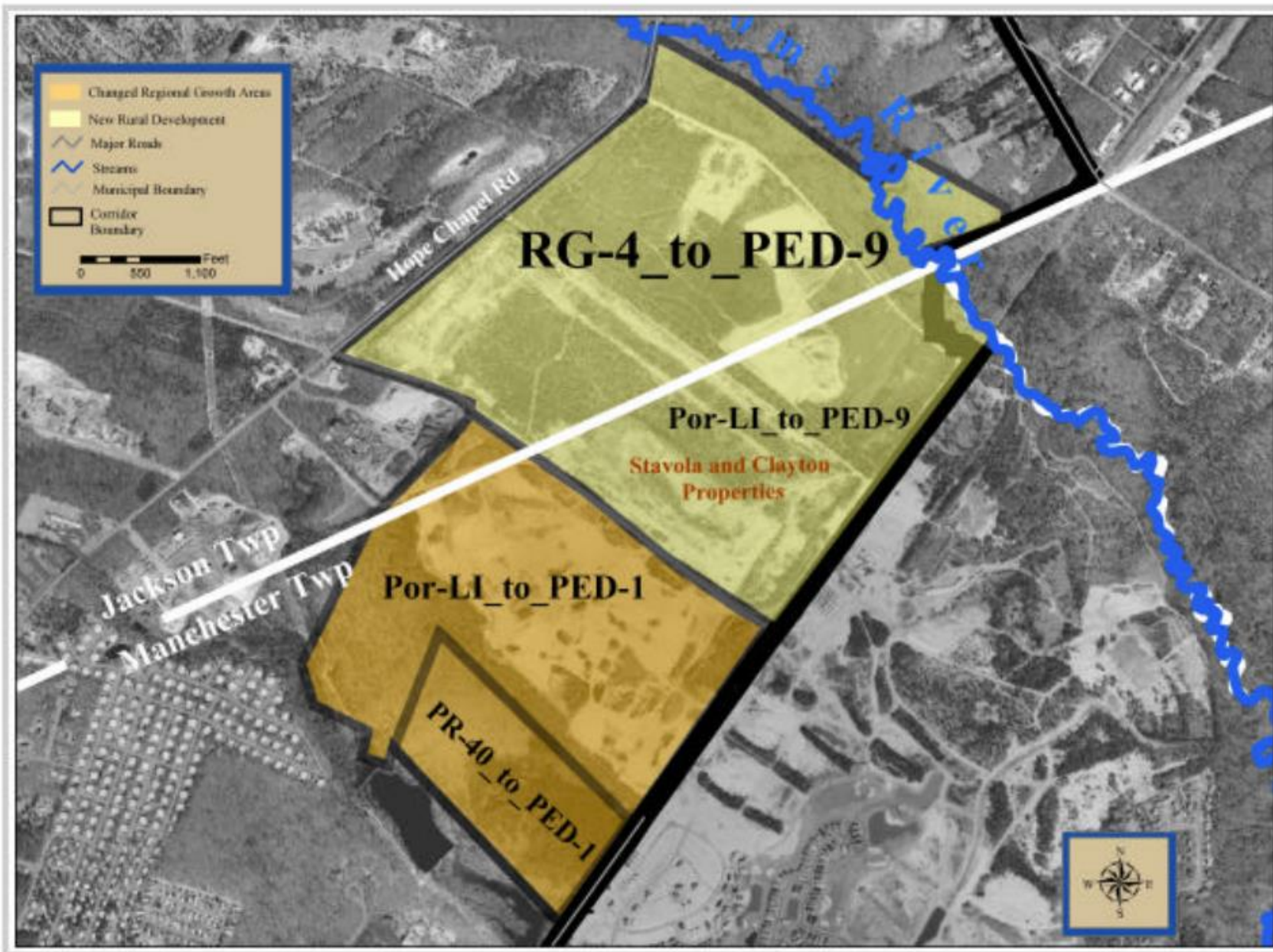


Figure 12. Proposed Changes Associated with the Planned Environmental Development (PED) Zone.



# Permanent Land Protection Summit & Pinelands Conservation Fund Roll-out

P & I COMMITTEE

APRIL 26, 2024

# Land Preservation Summit



- ▶ 11 organizations represented
- ▶ Presentations on
  - ▶ Green Acres funding rule amendments
  - ▶ New Jersey Conservation Blueprint
  - ▶ Pinelands Conservation Fund Criteria and Schedule
  - ▶ Stewardship monitoring

# Take Aways

- ▶ Although DEP is elevating the importance of OBCs and urban parks in the Green Acres ranking, it does not change the program's focus on preserving important open space in the Pinelands Area
- ▶ Pinelands acquisition target areas are now included on the NJ Conservation Blueprint map. Land conservation organizations can see those together with other map layers (e.g., parcel size or habitat targets) to help identify acquisition targets
- ▶ PCF project proposal schedule may need adjustment to align better with Green Acres schedule. However, it may only be a hurdle for projects that must close quickly.

# Pinelands Conservation Fund

Schedule and criteria approved  
at February P & I meeting

- Projects submitted 5/1 – 9/20
- Project recommendations – October P&I

Confirm Funding level

- Full \$3 M
- Other amount?



# PINELANDS CONSERVATION FUND MONITORING VISITS

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November 2023 – January 2024

# Why visit sites?

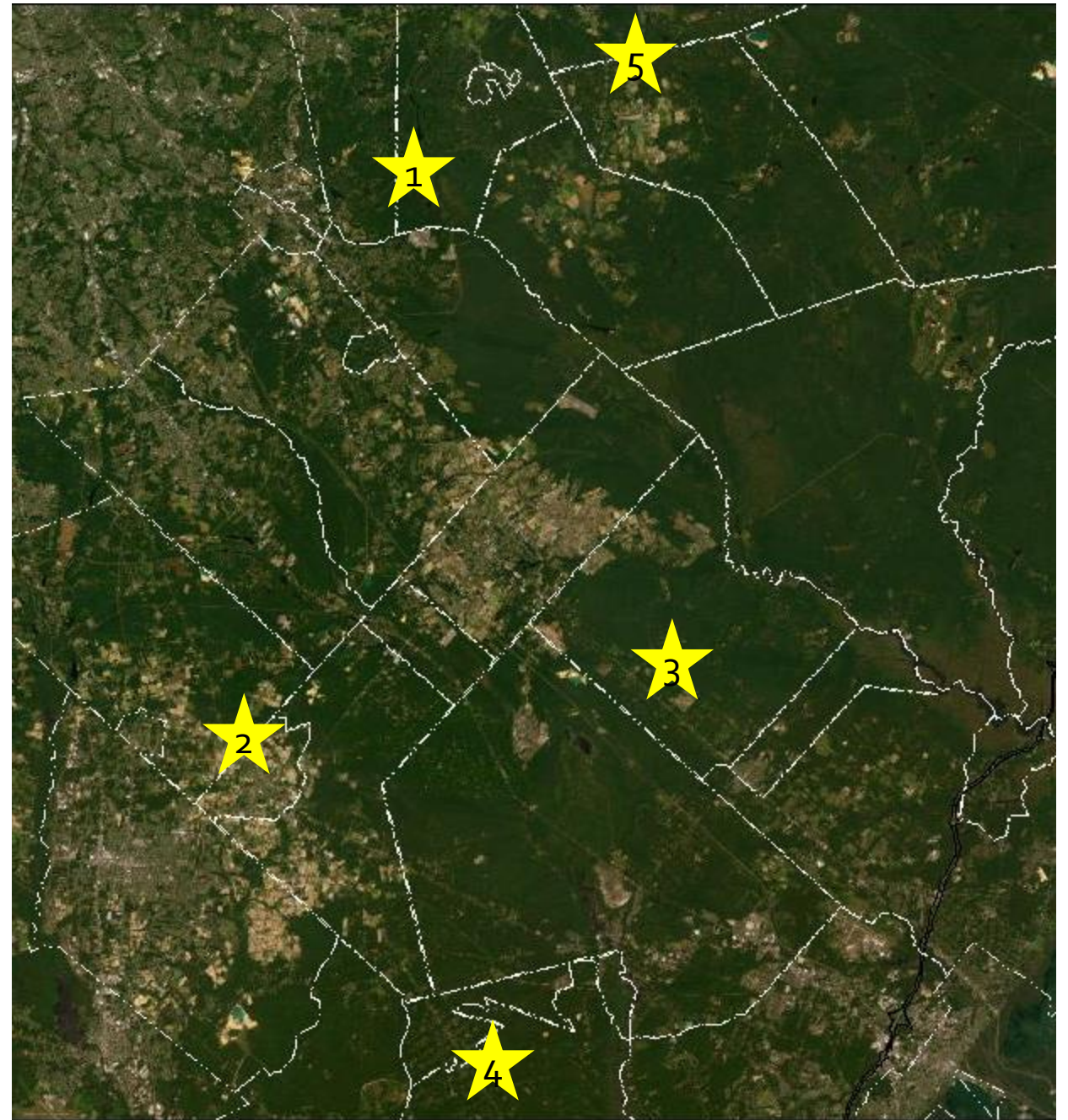
- Sites selected for preservation
  - Location
  - Threatened & Endangered habitats
  - Size
  - Contiguity
- Status of land since preservation
- Mix of site types and location throughout Pinelands Area



*Photos c/o Paul Leaken*

# Sites Visited

1. Masso-Cristaldi (Medford Twp)
2. D'Allessandro (Franklin Twp)
3. Wharton Properties (Mullica Twp)
4. Lenape Farms (Estell Manor City)
5. Bear Swamp Preserve (Southampton & Tabernacle Twps)



# Masso-Cristaldi Acquisition



Medford Township



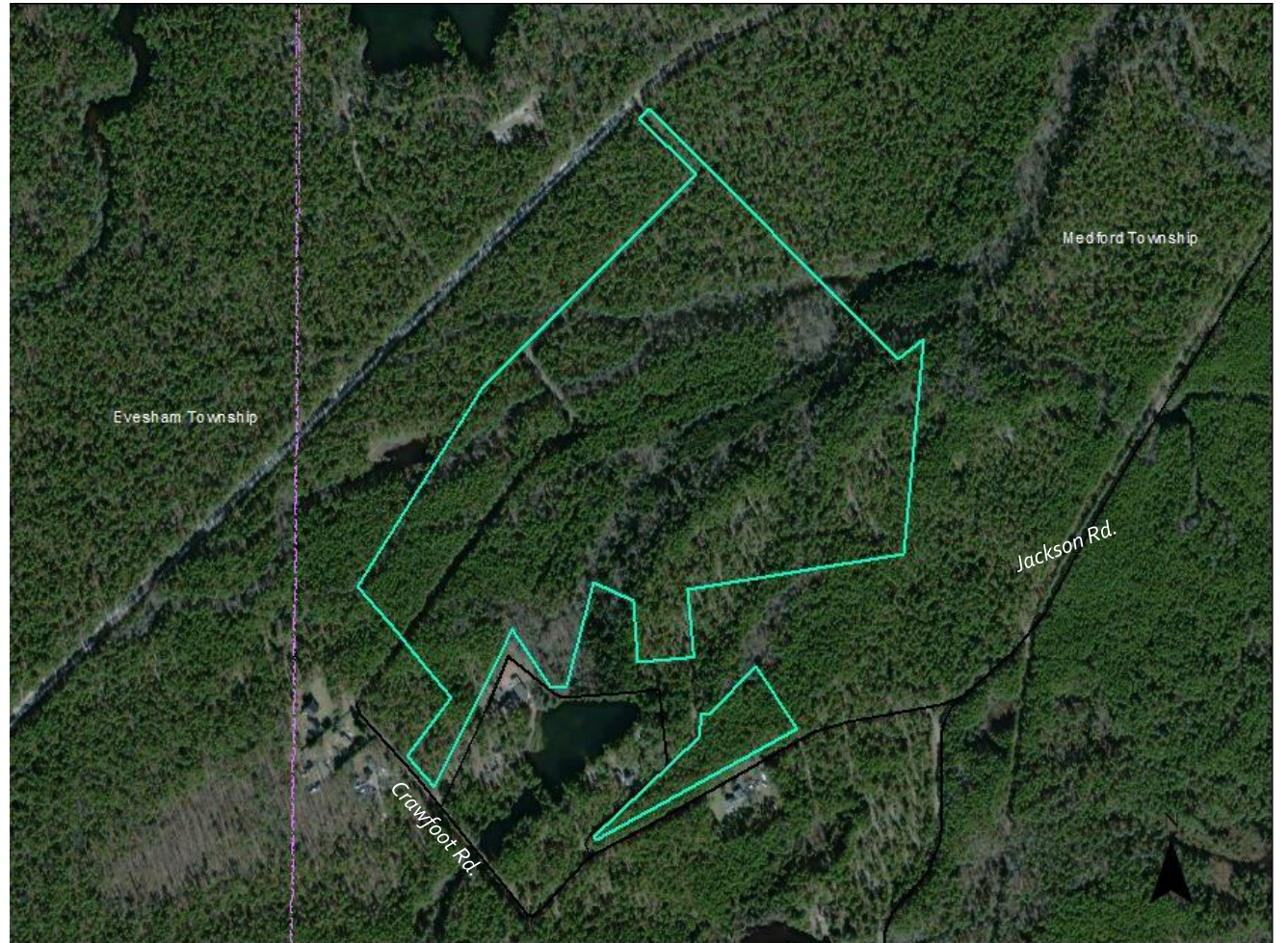
Preserved in 2008



67 acres preserved



Rancocas Conservancy





*Photos c/o Paul Leaken*

# D'Allessandro Acquisition



Franklin Township



Preserved in 2008



30 acres preserved



Unexpected Wildlife Refuge





Photos c/o Paul Leaken



Photos c/o Paul Leaken

# Wharton Properties



Mullica  
Township



Preserved in 2008



64 acres preserved



New Jersey Conservation  
Foundation





*Photos c/o Katie Elliott*

# Lenape Farms



Estell Manor City



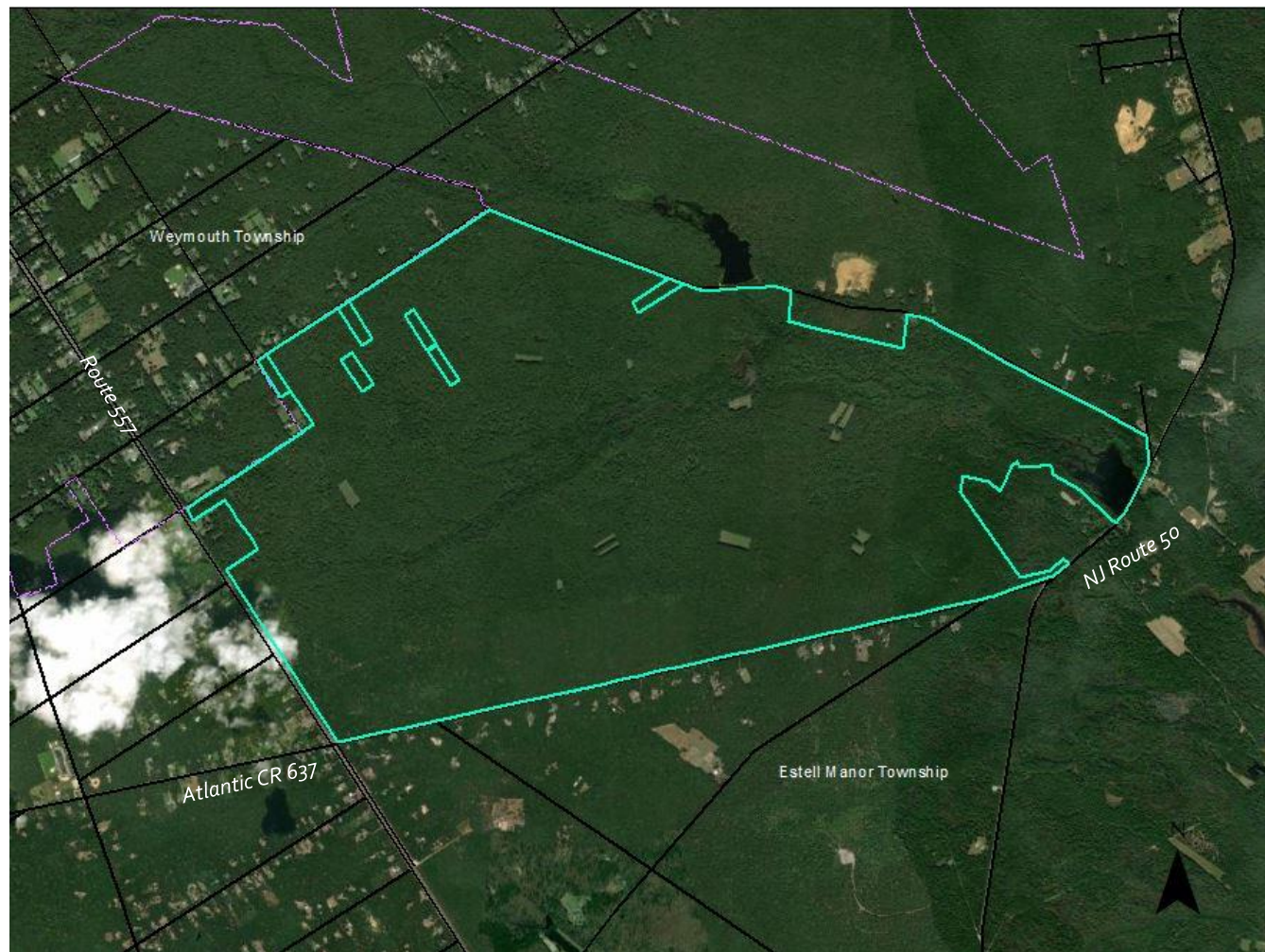
Preserved in 2010



2,798 acres preserved



The Nature Conservancy,  
transferred to NJDEP





*Photos c/o Paul Leaken*

# Bear Swamp Preserve



Southampton &  
Tabernacle Townships



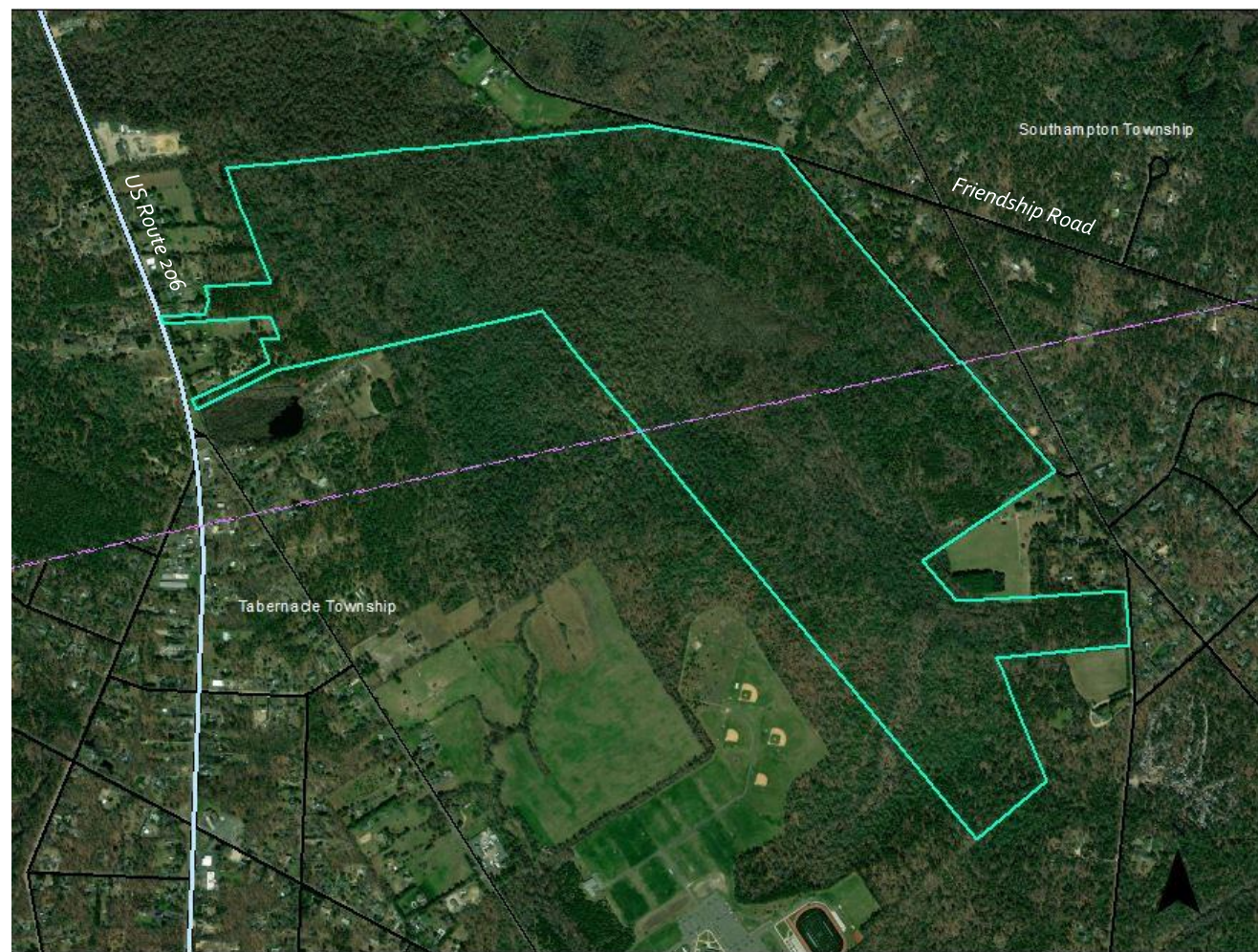
Preserved in 2015



413 acres preserved



Rancocas Conservancy





*Photos c/o Paul Leaken*

# Key Takeaways

- Natural features of sites well preserved
- Sites likely mostly used by nearby residents (hunting if permitted, birdwatching)
- More land management needed, but not necessarily enough site management/time to do so
  - Trail marking
  - Site monitoring
  - Trash dumping
- Site managers would like to expand access
- Pinelands staff plan to visit more sites in next year



**Katie Elliott**

Planning Specialist, Pinelands Commission

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