



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



MIKIE SHERRILL  
Governor  
DR. DALE G. CALDWELL  
Lt. Governor

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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## MEMORANDUM

To: CMP Policy and Implementation Committee

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

Date: April 15, 2026

Subject: April 24, 2026 Committee Meeting

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Enclosed please find the agenda for the Committee's upcoming meeting on Friday, April 24, 2026. We have also enclosed the minutes of the Committee's March 27, 2026, meeting.

The agenda includes a presentation reviewing the Hightop Redevelopment Plan and ordinance in Monroe Township for discussion and recommendation to the full Commission. The plan designates an area for mixed use commercial and high-density residential supporting affordable housing.

A second presentation summarizing implementation of the adopted New Jersey Department of Environmental Protection Resilient Environment and Landscapes rules within the context of the Pinelands Area. This presentation will cover the portions of the adopted rules related to flood hazard areas, wetlands permitting, and coastal zone management. A future presentation will discuss the portion of the adopted rule implementing changes to stormwater management rules. The rulemaking is available online via the following link: <https://dep.nj.gov/rules/notice-of-rule-adoptions/>

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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LAURA E. MATOS  
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Executive Director

## CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

April 24, 2026 – 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](tel:1-929-205-6099) Meeting ID: 852 6360 6842

### Agenda

1. Call to Order
2. Adoption of the minutes from the March 27, 2026, CMP Policy & Implementation Committee Meeting
3. Executive Director's Report: Monroe Township's 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026, adopting the Hightop Redevelopment Plan
4. Presentation: Implementation of NJDEP Resilient Environments and Landscapes Regulations for Flood Hazard Control Act, Coastal Zone Management and Freshwater Wetlands Permitting in the Pinelands Area
5. Public Comment
6. 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

**March 27, 2026 – 9:30 a.m.**

### **MINUTES**

**Members in Attendance:** Deborah Buzby-Cope, Jerome H. Irick, Chair Laura E. Matos, Jessica Rittler Sanchez

**Members in Attendance (Zoom):** Mark S. Lohbauer, Alan Avery

**Members Absent:** Theresa Lettman, Gaetano Matro, Douglas Wallner

**Staff Present:** Gina Berg, Katie Elliott, April Field, Susan R. Grogan, Brad Lanute, Paul Leakan, Amber Mallm, Stacey P. Roth

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

Chair Matos called the meeting to order at 9:32 a.m.

#### **2. Adoption of minutes from the February 27, 2027 CMP Policy & Implementation Committee Meeting**

Commissioner Irick moved the adoption of the February 27, 2026 meeting minutes. Commissioner Rittler Sanchez seconded the motion. All Ayes. The motion passed.

#### **3. Presentation: Pinelands Conservation Fund Stewardship Monitoring**

*Attachment A to these minutes and posted on the Commission's website at the following address:*

[https://www.nj.gov/pinelands/home/presentations/PCF%20Monitoring%20Visits%20Nov%202025\\_Jan%202026.pdf](https://www.nj.gov/pinelands/home/presentations/PCF%20Monitoring%20Visits%20Nov%202025_Jan%202026.pdf)

Katie Elliott, Planning Specialist, provided a summary of Pinelands Conservation Fund (PCF) stewardship monitoring conducted from November 2025 through January 2026. Ms. Elliott described staff findings from five sites previously preserved by the Commission through the PCF program.

First, Ms. Elliott described the Cologne Avenue site in Hamilton Township, which was preserved in 2007 during the first round of the PCF funding cycle. The site is 700 acres, located in the Rural Development Area and the Regional Growth Area, and in the Hamilton Regional Growth Area acquisition target area. The parcel is owned by Atlantic County. Ms. Elliott reported that the site

appeared to be in good condition. Staff did not observe any dumping, however there was some evidence of off-road vehicle activity.

Next Ms. Elliott reported findings on the Korbel Mahoney site, which was preserved in 2017 and consists of 86 acres. It is located in the Forest Area in Barnegat Township and is owned by the Ocean County Lands Trust. Staff met representatives from Ocean County on site who explained the property is managed in accordance with the County Forestry Management Plan. Ocean County representatives said they conduct hand thinning and controlled burning on the site. Overall, the site appeared well-maintained with marked trails in use by members of the public.

Then Ms. Elliott summarized observations of the Martone site, which was preserved in 2009. It is comprised of two non-contiguous lots located in Lacey Township. The parcel is owned by the Ocean County Land Trust. County representatives met with Commission staff onsite for the visit. Ms. Elliott said they did not observe any dumping or off-road vehicle damage. However, they observed recent tire marks on what appeared to be a designated sand road.

Next Ms. Elliott discussed the Clark parcel, preserved in 2013. The site is located on two non-contiguous parcels in Upper Township in the Forest Area and in the Pinelands National Reserve Forest Area. The site is 292 acres and is owned by the Nature Conservancy. The portion of site in the Forest Area appeared in good condition with only a small quantity of trash and no evidence of off-road vehicle activity. The portion of the site in the Pinelands National Reserve Forest Area is comprised of wetlands and was inaccessible.

Finally, Ms. Elliott summarized the Capri site in Buena Vista Township, preserved in 2007. The site is 69 acres, located in the Forest Area and Rural Development Area, and in the Manumuskin River acquisition target area. It is owned by Buena Vista Township. The site is forested and is surrounded by contiguous woodlands. Ms. Elliott said that an adjacent property contains a dilapidated building, with some dumping being present nearby on the preserved site; however, the site itself appears to overall be in good condition.

Ms. Elliott concluded by noting that these sites are in good condition and provide ecological protection and passive recreation opportunities. Ms. Elliott said that two of the sites were part of the first PCF funding cycle and are well-maintained.

Commissioner Rittler Sanchez asked if the two ponds seen in the aerial imagery of the Capri site were natural or man-made. Ms. Elliott said that is not clear. An abundance of briars made the ponds inaccessible.

#### **4. AI Data Center Development and the Pinelands Regulatory Context**

*Attachment B to these minutes and posted on the Commission's website at the following address:*  
[https://nj.gov/pinelands/home/presentations/2026.03.27\\_P\\_I\\_DataCenters.pdf](https://nj.gov/pinelands/home/presentations/2026.03.27_P_I_DataCenters.pdf)

Chief Planner Brad Lanute provided a presentation on AI Data Center Development and the Pinelands Regulatory Context. Mr. Lanute described data centers as facilities that house servers and digital infrastructure supporting cloud computing, AI, and/or data storage. He explained that data centers operate continuously and require significant power and cooling demands. Mr. Lanute distinguished different types of data centers: enterprise, colocation, and hyperscale. Typical enterprise facilities may store data for one company, whereas colocation data centers may act as a service provider for multiple companies. Hyperscale centers are the largest facilities, serving large

companies such as Meta or Google. Typically, data centers demand a high amount of electricity and water as part of HVAC systems. The facilities may require a large building footprint, contribute visual impacts, and may generate noise. These characteristics are important to consider when evaluating if a facility is compatible with surrounding land uses.

Mr. Lanute then summarized how data center developments may be interpreted within the framework of the Pinelands Comprehensive Management Plan (CMP). Data centers would not be a permitted use in the Preservation Area District, Special Agricultural Production Areas, and Forest Areas. He reviewed how data centers fit into permitted uses in each of the other Pinelands Management Areas. Starting with the Agricultural Production Area, there are a few very limited opportunities for light industrial uses.

He continued with permitted uses in Rural Development Areas and said that a municipality may permit any use that is compatible with the essential character of the Pinelands environment and is similar in character, intensity and impact to agricultural processing facilities and other light industrial uses. He noted that sanitary sewer is not permitted in Rural Development Areas. In Pinelands Villages and Pinelands Towns, a wide variety of uses may be permitted, provided that the necessary public service infrastructure is available or can be extended without any development in the Preservation Area Districts, Special Agricultural Production Areas, or Forest Areas. Mr. Lanute added that the magnitude of the use must be compatible with the existing structures and uses in the specific Village or Town.

Mr. Lanute then discussed Regional Growth Areas. He said that a wide variety of uses, including data centers, may be permitted. He added that non-residential uses in Regional Growth Areas are authorized by certified municipal zoning ordinances and master plans.

Mr. Lanute emphasized that data centers could be permitted in limited areas. Regional Growth Areas and Pinelands Towns are the only management areas where substantial industrial development can occur. Mr. Lanute added that while the CMP may permit a municipality to zone for industrial uses in certain areas, the CMP does not require municipalities to zone for industrial uses.

Then Mr. Lanute summarized the CMP's minimum environmental standards that apply to development throughout the entire Pinelands Area. Mr. Lanute discussed the standards focused on wetlands and wetlands transition areas, threatened and endangered species habitat, cultural resources, fire hazard mitigation, and air quality. Mr. Lanute also discussed stormwater, wastewater, public water, and water management requirements.

Mr. Lanute explained that any municipal zoning ordinance or redevelopment plan is required to be submitted to the Commission for review and approval before it can go into effect. Mr. Lanute also listed municipal ordinances focused on data centers. In 2025, Monroe Township identified data centers as a permitted use in the Hexa-Builders Redevelopment Area, however the township recently introduced an ordinance to repeal data centers as a permitted use. Additionally, in 2025, Manchester Township also identified data centers as a permitted use in the Block 62, Lot 30 and 31.01 Redevelopment Area. In 2026, Pemberton Township adopted an ordinance expressly prohibiting data centers.

Mr. Lanute concluded that existing CMP regulations greatly limit where data centers can be sited and offer strong protections against environmental impacts of data centers. Mr. Lanute said no immediate action by the Commission is necessary or feasible. The Commission does not have

authority to impose a moratorium on data center development. Staff will continue to implement the framework of the CMP and monitor continuing trends in data center design and development.

The Committee then discussed potential strategies to approach data center development in the Pinelands Area. Commissioner Lohbauer asked if all data centers would be considered a light industrial use or if they should be considered a more intensive use. Commissioner Lohbauer suggested asking the governor's office to work with the State legislature to define data centers and light industrial uses. Commissioner Lohbauer also said that applicants should be required to demonstrate how they plan to decommission a site if it is no longer in use or obsolete due to technological advancements. ED Grogan said when a municipality identifies data centers as a permitted use in a land use ordinance, then the Commission can consider suggesting incorporation of standards such as a long-term plan for the facility, including a plan for when the facility is no longer operational. Commissioner Lohbauer referenced recent articles about the future potential for orbital data centers.

Commissioner Irick agreed that data centers should have a unique definition due to their excessive demands on water and electricity. Commissioner Irick said that it is important to consider the future of these facilities if they become obsolete. Additionally, Commissioner Irick said that the original CMP did not anticipate this type of use. ED Grogan said that new uses, such as cell towers or solar development, have arisen that were not around when the CMP was first adopted. ED Grogan noted that this presentation reviewed how data centers fit into the existing framework of the CMP so we can be prepared for the immediate future. She said a future CMP amendment may be considered. Commissioner Irick said he is concerned about the demands on water and electricity and the wastewater outputs. ED Grogan asked Mr. Lanute if he saw office facilities at the data center located in Vineland or any indication of how many employees may be there. Mr. Lanute said the ordinance estimated about 200 employees.

Ms. Roth said there is proposed legislation focused on energy usage at data centers. One bill proposes to require data centers to use renewable energy systems. Commissioner Deborah Buzby-Cope asked if there are any plans to reopen power plants to service the facilities. Ms. Roth said she has not seen any such legislation, however there is a proposed bill to require nuclear power to supply data centers.

Commissioner Rittler Sanchez said that the CMP was set up to regulate what we want to protect, not what we want to permit. She noted that noise generated by data centers may impact threatened and endangered species. She said that New Jersey does permit municipalities to exclude certain land uses. She questioned where data centers could be built vertically in more urban, developed areas, rather than with a wide footprint.

Commissioner Irick said the Commission should further consider whether a data centers should be defined as a light industrial use or if they should be considered a more intensive use. Mr. Lanute noted that the CMP regulates light industrial uses, however it does not expressly define light industrial uses. Mr. Lanute said light industrial is not defined by the Municipal Land Use Law, instead it is interpreted by each municipality.

Commissioner Avery added that based on aerial photography of the Indiana data center seen in Mr. Lanute's presentation, there are many cars and many employees at the site. Commissioner Avery did not support a statewide data center definition due to different priorities throughout the state.

## **5. Public Comments**

Mark Pesotski expressed concerns regarding the proposed construction of a data center in Monroe Township. Mr. Pesotski provided a handout supporting his comment (*Attachment C*). He said the development conflicts with the standards of the CMP and that the ordinance adopted by the Township is not valid. He added that public water and sewers are not available to serve the site. Mr. Pesotski then provided a written comment to Mr. Leakan (*Attachment D*).

Fernando Powers spoke opposing the construction of a data center in Monroe Township. He said the federal Clean Water Act prohibited the development and submitted a supporting document (*Attachment E*). Mr. Powers supports consideration of standards for decommissioning data centers. Mr. Powers said that he is a former power plant operator and that cooling towers are not fully closed systems.

Laura Rudolph shared her opposition to the construction of a data center in Monroe Township. She encouraged the Commission to begin the process for a CMP amendment to regulate data centers and to conduct more research.

Heidi Yeh of the Pinelands Alliance expressed concern about noise impacts from data centers on nocturnal animals such as the Pine Barrens tree frog and the barred owl. Ms. Yeh said that state and regional planning should occur, rather than municipal planning. Ms. Yeh advocated that ordinances permitting data centers should be subject to full Commission review, rather than administrative review. Ms. Yeh said that the State's redevelopment planning process does not incorporate enough public engagement or provide sufficient notice to residents. Ms. Yeh requested that the Commission amend the CMP.

Jason Howell of the Pinelands Alliance said Monroe Township officials seemed confused about their ability to prohibit data centers. Mr. Howell asked the Commission to offer guidance or a model resolution prohibiting data centers as a use.

Fred Akers of the Great Egg Harbor Watershed Association also opposed the construction of data centers. Mr. Akers said that this is a statewide problem. He reviewed the State Water Supply Plan and did not see data centers addressed. He said that it is important to investigate potential standards for decommissioning data centers. Mr. Akers expressed concern that the Monroe MUA is proposing to allocate a large portion of its overall water allocation to the Monroe data center. He said this may limit the feasibility of other developments in the Township's RGA that would use PDCs.

Lauren Frazee said her professional work incorporates AI technology. She thinks laws need to be strengthened to prohibit data centers. She said that developers may use different terminology such as information houses, computer silos, or underground subterranean AI supportive mines when proposing these facilities. Ms. Frazee supported a statewide ban on data centers.

## **6. Adjournment**

There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Rittler Sanchez seconded the motion. All Ayes. The meeting was adjourned at 11:11 a.m.

Certified as true and correct:

A handwritten signature in black ink, appearing to read "Amber Mallm", written over a horizontal line.

Amber Mallm  
Planning Specialist

Date: April 13, 2026

**Handout: Block 8401, Lots 8, 9, 10 – Monroe Township, Gloucester County**

**Key Facts Supporting My 3-Minute Testimony**

**Submitted by: Mark Pesotski – March 27, 2026**

## **I. No Redevelopment Designation Exists (LRHL Violations)**

Block 8401, Lots 8, 9, 10 were **never** designated as an Area in Need of Redevelopment or Rehabilitation.

- **No Planning Board investigation**
- **No Planning Board public hearing**
- **No certified-mail notice to property owners**
- **No Planning Board recommendation**
- **No Township Council designation resolution**
- **No vote**
- **No minutes**
- **No record**

**Under the LRHL, no designation = no redevelopment plan.**

## **II. PB-34-2019 and R-221-2019 Do NOT Include Block 8401**

**PB-34-2019 – Planning Board Resolution**

- **Designated only commercial corridors**
- **Block 8401 was not included**

**R-221-2019 – Township Council Resolution**

- **Adopted PB-34-2019 exactly as written**
- **Did not expand boundaries**
- **Did not include Block 8401**

**Being “studied” is not being “designated.”**

**Block 8401 was never designated.**

### **III. Ordinance O:04-2023 Is Legally Invalid**

O:04-2023 is the ordinance the Commission certified in 2023.

It is invalid because:

- It assumes a redevelopment designation that never occurred
- It relies on PB-34-2019 and R-221-2019, which do not include Block 8401
- It amends a redevelopment plan that never existed
- A municipality cannot retroactively create a designation
- A void ordinance cannot be certified under the CMP

**O:04-2023 is ultra vires, void, and unenforceable.**

### **IV. Evidence of Fabricated Municipal Procedure**

The Township's **May 14, 2025 draft ordinance** falsely claims:

- A 2023 redevelopment plan existed
- The Planning Board adopted Resolution 10-2025
- Block 8401 was part of a redevelopment area

**None of these events occurred.**

This is a retroactive attempt to fabricate a redevelopment history.

### **V. Pinelands Commission's April 28, 2023 Certification Was Based on False Information**

The Commission concluded that O:04-2023 complied with the CMP.

This conclusion is invalid because:

- O:04-2023 is invalid
- No redevelopment designation exists
- No Planning Board recommendation exists
- No lawful redevelopment plan exists
- The CMP prohibits certification of unlawful ordinances

**A state agency cannot validate a void municipal action.**

**The certification must be reopened.**

## **VI. Ecological Resources at Risk**

Block 8401 contains:

- **Beaver-engineered wetlands and ponds**
- **Headwater stream feeding the Little Egg Harbor watershed**
- **Forested wetlands, seasonal pools, aquifer recharge areas**
- **Threatened & endangered species:**
  - Pine Barrens Treefrog
  - Red-headed Woodpecker
  - Barred Owl
  - Eastern Box Turtle
  - Great Blue Heron
- **Wildlife corridors and mature forest canopy**

**These are core CMP-protected resources.**

## **VII. CMP Emergency-Well Precedent**

At the Feb. 13, 2026 meeting:

- A failed well required consultation with the Chair
- Still required an after-the-fact application

**If emergencies require full procedure,**

**a 1.6-million-sq-ft warehouse cannot bypass every step of the LRHL and CMP.**

## **VIII. Requested Commission Action**

1. **Acknowledge that no redevelopment designation exists**
2. **Reopen and correct the April 28, 2023 certification**
3. **Require Monroe Township to restart the process legally**
4. **Protect the ecological resources of Block 8401**

# FORMAL WRITTEN SUBMISSION

**Submitted by:**

**Mark Pesotski**

3235 S. Black Horse Pike

Williamstown, NJ 08094

**To:**

New Jersey Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

**Date:** March 27, 2026

**Subject: Formal Request for Corrective Action Regarding the Unlawful Certification of Monroe Township Ordinance O:04-2023 and the Protection of Ecological Resources on Block 8401, Lots 8, 9, and 10**

## I. Introduction

My name is **Mark Pesotski**, a resident of Monroe Township and an affected property owner.

I submit this testimony to formally document:

- **Ecological threats**
- **Hydrologic impacts**
- **Procedural defects**
- **Fabricated municipal records**
- **CMP violations**
- **LRHL violations**
- **Pinelands Commission certification errors**

associated with the proposed 1.6-million-square-foot industrial development on **Block 8401, Lots 8, 9, and 10.**

This land is not environmentally vacant.

It is a functioning Pinelands ecosystem containing wetlands, headwaters, aquifer recharge areas, wildlife corridors, and habitat for threatened and endangered species.

It is exactly the type of landscape the Pinelands Commission was created to protect.

## II. Ecological Resources on Block 8401

The site contains:

### Threatened, Endangered, and Special Concern Species

- **Pine Barrens Treefrog** (threatened)
- **Red-headed Woodpecker** (endangered in NJ)
- **Barred Owl** (threatened)
- **Eastern Box Turtle** (special concern)
- **Great Blue Heron**, Wood Duck, migratory songbirds, raptors

### Keystone Species

- **Beaver**, whose dams create wetlands, regulate flow, improve water quality, and support biodiversity

### Habitat Features

- Forested wetlands
- Seasonal pools
- Upland forest
- Agricultural edge habitat
- Wildlife corridors

### Hydrology

- A headwater stream feeding the **Little Egg Harbor watershed**
- Hydrologically connected wetlands
- Downstream lakes used for swimming, fishing, and recreation
- Recharge areas for the **Kirkwood-Cohansey aquifer**

These resources fall squarely within the Commission's mission to protect **Pinelands wetlands, Pinelands wildlife, Pinelands surface waters, the Kirkwood-Cohansey aquifer, and the ecological character of the region.**

## **III. Environmental Impacts of the Proposed Development**

A 1.6-million-square-foot warehouse or data center would cause:

### **Air Quality Impacts**

- Diesel emissions
- PM2.5 particulate pollution
- Increased respiratory risk

### **Noise Impacts**

- 24/7 truck traffic
- Backup alarms
- Mechanical equipment noise

### **Lighting Impacts**

- Skyglow
- Wildlife disruption
- Residential light trespass

### **Water & Stormwater Impacts**

- Aquifer depletion
- Contaminated runoff
- Impervious surface overload
- Flooding risk

### **Wetlands & Habitat Impacts**

- Wetlands disturbance
- Buffer violations
- Habitat fragmentation
- Loss of forest canopy and farmland

These impacts are incompatible with the CMP's ecological protections.

## **IV. No Redevelopment Designation Exists**

Under the LRHL, a redevelopment designation requires:

- A Planning Board investigation
- A Planning Board public hearing
- Certified-mail notice
- A Planning Board recommendation
- A Township Council public hearing
- A designation resolution
- A recorded vote
- Public minutes

Monroe Township has **none** of these documents.

There is no investigation, no report, no notice, no hearing, no resolution, no vote, no minutes, and no record.

Therefore:

**No redevelopment designation exists for Block 8401, Lots 8, 9, and 10.**

## **V. PB-34-2019 and R-221-2019 Do Not Include Block 8401**

### **PB-34-2019 – Planning Board Resolution**

- Designated **only commercial corridors** as Areas in Need of Rehabilitation
- **Did NOT include Block 8401**
- **Did NOT authorize redevelopment designation**

### **R-221-2019 – Township Council Resolution**

- Adopted PB-34-2019 **exactly as written**
- **Did NOT expand boundaries**
- **Did NOT include Block 8401**
- **Was NOT a redevelopment designation**

Being “studied” is not being “designated.”

Under the LRHL, a parcel is not designated unless the Township Council adopts a formal designation resolution.

**No such resolution exists for Block 8401.**

## **VI. Ordinance O:04-2023 Is Legally Invalid**

Ordinance **O:04-2023** is invalid because:

**1. It assumes a redevelopment designation that never occurred.**

No LRHL procedures were followed.

**2. It relies on PB-34-2019 and R-221-2019, neither of which include Block 8401.**

**3. It amends a redevelopment plan that never existed.**

A municipality cannot amend a plan that was never lawfully adopted.

**4. It attempts to retroactively create a designation.**

The LRHL does not permit this.

**5. It misled the Pinelands Commission.**

The Commission certified a redevelopment plan based on false premises.

Therefore:

**O:04-2023 is ultra vires, void, and unenforceable as applied to Block 8401.**

## VII. Evidence of Fabricated Municipal Procedure (Draft Ordinance – May 14, 2025)

The Township's draft ordinance falsely claims:

- A 2023 redevelopment plan existed
- The Planning Board adopted Resolution 10-2025
- Block 8401 was part of a redevelopment area

None of these events occurred.

This is a retroactive attempt to fabricate a redevelopment history.

This violates both the LRHL and the CMP.

## VIII. CMP Compliance Failure

The CMP requires:

- Lawful municipal procedure
- Accurate documentation
- Transparency
- Environmental review

Because Monroe Township skipped every LRHL requirement,

the Commission's prior certification was based on **false information** and must be corrected.

## IX. The Pinelands Commission's April 28, 2023 Certification Was Legally Invalid

The Commission concluded:

“Monroe Township Ordinance O:04-2023...complies with the Comprehensive Management Plan...Accordingly, the Executive Director recommends that the Commission...certify Ordinance O:04-2023.”

This conclusion is invalid because:

**1. O:04-2023 is invalid.**

A void ordinance cannot be certified.

**2. The Commission relied on false premises.**

There was:

- No redevelopment designation
- No Planning Board recommendation
- No lawful redevelopment plan

**3. The CMP prohibits certification of unlawful ordinances.**

Municipal procedure must be lawful.

**4. A state agency cannot validate a void municipal action.**

Therefore:

**The Commission’s certification is invalid and must be reopened.**

## **X. Pinelands Emergency-Well Precedent**

At the February 13, 2026 meeting, Director Chuck Horner explained that when South Jersey Gas experienced a well failure — a true emergency — the Executive Director issued an emergency authorization **only after consultation with the Chair**, and still required an **after-the-fact application**.

If emergency well replacements require full procedure,

**a 1.6-million-square-foot warehouse cannot bypass every step of the LRHL and CMP.**

A warehouse is not an emergency.

A data center is not an emergency.

No shortcuts are permitted.

## **XI. Requested Commission Action**

I respectfully request that the Pinelands Commission:

- 1. Acknowledge that no redevelopment designation exists**
- 2. Reopen and correct the prior certification**
- 3. Require Monroe Township to restart the process legally**
- 4. Protect the ecological resources of Block 8401**

## **XII. Conclusion**

The Pinelands is a globally unique ecosystem.

Your mission is to protect it.

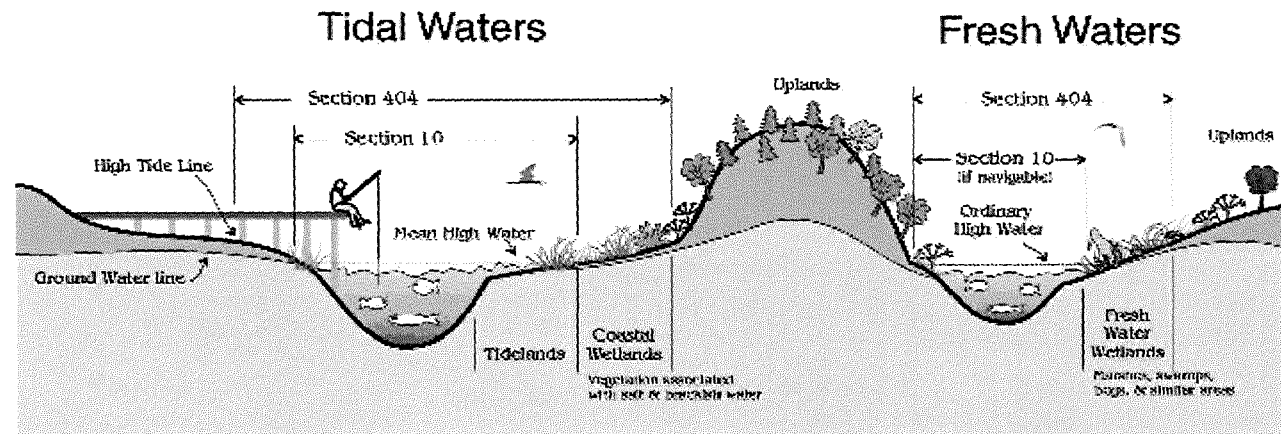
And today, that mission requires action.

**Respectfully submitted,**

**Mark Pesotski**

Williamstown, NJ

# CORPS OF ENGINEERS REGULATORY JURISDICTION



Typical examples  
of regulated activities

**Section 103**  
Ocean Disposal  
of Dredged Material  
Ocean discharges of  
dredged material

**Section 404**  
Discharge of Dredged or Fill Material  
(all waters of the U.S.)  
All filling activities, utility lines, outfall structures,  
road crossings, beach nourishment, riprap,  
jetties, some excavation activities, etc.

**Section 10**  
All Structures and Work  
(navigable waters)  
Dredging, marinas, piers, wharves,  
floats, intakes / outtake pipes,  
pilings, bulkheads, ramps, fills,  
overhead transmission lines, etc.

This document has been published in the *Federal Register*. Use the PDF linked in the document sidebar for the official electronic format.

Table 1

Citation	Civil Monetary Penalty (CMP) amount established by law	2024 CMP amount in effect prior to this rulemaking	2025 Inflation adjustment multiplier	CMP amount as of August 8, 2025
Rivers and Harbors Act of 1922 ( <u>33 U.S.C. 555</u> )	\$2,500 per violation	\$6,975 per violation	1.02598	\$7,156 per violation.
CWA, <u>33 U.S.C. 1319(g)(2)(A)</u>	\$10,000 per violation, with a maximum of \$25,000	\$26,686 per violation, with a maximum of \$66,713	1.02598	\$27,379 per violation, with a maximum of \$68,446.
CWA, <u>33 U.S.C. 1344(s)(4)</u>	Maximum of \$25,000 per day for each violation	Maximum of \$66,713 per day for each violation	1.02598	Maximum of \$68,446 per day for each violation.
National Fishing Enhancement Act, <u>33 U.S.C. 2104(e)</u>	Maximum of \$10,000 per violation	Maximum of \$29,221 per violation	1.02598	Maximum of \$29,980 per violation.



State of New Jersey  
 THE PINELANDS COMMISSION  
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LAURA E. MATOS  
 Chair  
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 Executive Director

## Report on Monroe Township’s 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026, adopting the Hightop Redevelopment Plan

April 24, 2026

Monroe Township  
 125 Virginia Avenue  
 Williamstown, NJ 08094

### Findings of Fact

#### I. Background

The Township of Monroe is located in the western section of the Pinelands Area in Gloucester County. Pinelands municipalities that abut Monroe Township’s Pinelands Area include Franklin Township in Gloucester County, Winslow Township in Camden County and the Borough of Folsom and the Township of Buena Vista in Atlantic County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Comprehensive Land Management Ordinance of Monroe Township, now codified as Chapter 175 (Land Management) of the Township's Code.

On June 25, 2025, the Monroe Township Planning Board adopted Resolution PB-22-25, approving the Township’s 2025 Housing Element and Fair Share Plan, dated June 12, 2025. The Pinelands Commission received a certified copy of Planning Board Resolution PB-22-25 and the Housing Element and Fair Share Plan on July 7, 2025.

By letter dated August 1, 2025, the Executive Director notified Monroe Township that, in accordance with N.J.A.C. 7:50-3.32, the 2025 Housing Element and Fair Share Plan was deemed incomplete until the necessary implementing ordinances were adopted and submitted to the Commission for certification.

On February 11, 2026, the Monroe Township Council adopted Ordinance O:06-2026, approving the Hightop Redevelopment Plan, for the purpose of implementing the 2025 Housing Element and Fair Share Plan. The Pinelands Commission received a certified copy of Ordinance O:06-2026 on March 5, 2026.

By letter dated March 23, 2026, the Executive Director notified the Township that the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 would require formal review and approval by the Pinelands Commission.

## **II. Master Plans and Land Use Ordinances**

The following master plan amendment and ordinance have been submitted to the Pinelands Commission for certification:

- \* 2025 Housing Element and Fair Share Plan, dated June 12, 2025, adopted by the Planning Board on June 25, 2025
- \* Ordinance O:06-2026, adopting the Hightop Redevelopment Plan, introduced on January 28, 2026, and adopted on February 11, 2026

These documents have been reviewed to determine whether they conform with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

### **1. Natural Resource Inventory**

Not applicable.

### **2. Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

#### 2025 Housing Element and Fair Share Plan

The 2025 Housing Element and Fair Share Plan addresses the Township's fourth-round affordable housing obligation. The Plan includes updated data and analysis on the Township's current and projected demographic, housing stock, and employment characteristics, as well as updated information on completed and proposed mechanisms to address the Township's affordable housing obligation. The Plan indicates a present need of 50 units and a fourth-round prospective need of 303 units.

The Township's affordable housing obligation is partially addressed through a combination of existing, under-construction, and approved affordable housing sites, as well as several proposed sites. Within the Pinelands Area portion of the Township, these include the Williamstown Square Redevelopment Area and the Acme Redevelopment Area, both located in a Pinelands Regional Growth Area. The Commission previously certified redevelopment plans for both areas, most recently through Ordinance O:27-2020 for the Williamstown Square Redevelopment Area and Ordinance O:16-2019 for the Acme Redevelopment Area. The projects described in the 2025 Plan are consistent with these previously certified redevelopment plans.

The 2025 Housing Element and Fair Share Plan also identifies a new affordable housing site, the Hightop Redevelopment Area, within the Pinelands Area (Block 12503, Lots 16, 17, 18, and 19), where the Township intends to establish inclusionary zoning through a redevelopment plan.

#### Ordinance O:06-2026

Ordinance O:06-2026 adopts the Hightop Redevelopment Plan, dated January 27, 2026. The redevelopment area consists of four lots (Block 12503, Lots 16, 17, 18, and 19), totaling approximately 26 acres and fronting Clayton Road (County Route 610) and Tuckahoe Road (County Route 555) (see Exhibit #1). The redevelopment area is undeveloped and forested and contains limited wetland transition areas. It is located within the Township's Regional Growth Community Commercial (RG-C) District and entirely within a Pinelands Regional Growth Area.

The RG-C District permits a variety of nonresidential uses on lots of at least 20,000 square feet, including community and neighborhood commercial uses, planned commercial developments, large-scale anchor store developments, business and professional offices, institutional uses, recreational uses, agriculture, and public service infrastructure. Residential uses are not permitted in the RG-C District.

The redevelopment plan is intended to permit a mix of commercial and high-density residential development. Accordingly, it supersedes the underlying RG-C District while incorporating all of the district's applicable land development regulations, except where specifically modified. The plan expressly requires that all development comply with the minimum environmental standards of the Pinelands CMP.

The redevelopment plan permits single-family attached dwellings (townhouses), multi-family stacked townhouse units, and age-targeted townhouse units at a density of 11 units per acre. Townhouses are permitted on lots of at least 2,000 square feet, with up to eight units attached in a single structure. At least 20% of all units must be set aside as affordable to low- and moderate-income households. In total, the redevelopment plan permits up to 286 residential units within the redevelopment area, representing an increase in the Township's residential zoning capacity within the Regional Growth Area.

The redevelopment plan also permits a variety of commercial uses on lots of at least 25,000 square feet, including retail establishments, fast-food restaurants, car washes, and other uses permitted in the underlying RG-C District. In addition, the redevelopment plan establishes various building design, parking, signage, and landscaping standards applicable to both residential and commercial development.

Within a Regional Growth Area, the CMP permits municipalities to allow any use, except certain waste management facilities, provided that appropriate residential densities and opportunities for the use of Pinelands Development Credits (PDCs) are established (N.J.A.C. 7:50-5.28). The Township has determined that the redevelopment area is appropriate for residential development and is therefore required to provide appropriate residential density and PDC opportunities.

The CMP assigns Monroe Township's Regional Growth Area a base density of 2.0 units per privately owned upland acre and requires an additional bonus density of 1.0 unit per privately owned upland acre through the use of PDCs (N.J.A.C. 7:50-5.28(a)1). Based on these standards,

the Township must zone for at least 78 units on the 26-acre redevelopment area. As noted above, the redevelopment plan permits up to 286 units, exceeding this requirement.

Pursuant to N.J.A.C. 7:50-5.28(a)7ii, a municipality may increase residential density within a Regional Growth Area to achieve identified municipal objectives, provided that infrastructure is available or can be provided to serve the areas zoned for increased density, such areas do not include significant environmental limitations, and the use of PDCs is required for a percentage of the permitted dwelling units.

In this case, the Township is increasing density to provide an opportunity for the development of affordable housing, as outlined in its 2025 Housing Element and Fair Share Plan. As discussed further in Section 8, PDCs are required for a percentage of the permitted dwelling units. Although the area contains some wetland transition areas, these do not pose a significant environmental limitation to the overall developability of the redevelopment area. Lastly, adequate water and sewer infrastructure is available to serve the redevelopment area, as described below.

In March 1990, the Pinelands Commission entered into a memorandum of agreement with the Monroe Township Municipal Utilities Authority (MTMUA) establishing a hydrologic monitoring program. This agreement was a condition of the Commission's approval of an MTMUA sanitary sewer interceptor to serve the Township's Regional Growth Area. The approval permitted up to 3.0 million gallons per day (MGD) of wastewater to be transferred from the Atlantic Basin to the Delaware Basin, including the export of water from the Kirkwood-Cohansey aquifer out of the Pinelands, as the treated wastewater is discharged to the Delaware River.

Under the monitoring agreement, the MTMUA provides monthly average data on water use and sewer discharge for both the entire system and the Atlantic Basin portion. If wastewater discharges consistently exceed 2.4 to 2.7 MGD, the agreement requires the MTMUA to conduct additional stream monitoring. In the most recent five-year period, the average monthly wastewater discharge from the entire system was 2.18 MGD. This five-year monthly average is below the stream monitoring trigger and well below the 3.0 MGD cap.

The New Jersey Residential Site Improvement Standards (RSIS) provide design water demand estimates for single-family dwellings based on bedroom count. A full residential build-out of the redevelopment plan (286 units with no non-residential) with three-bedroom townhouses (225 gallons per day per unit) would generate approximately 64,350 gallons per day (0.06435 MGD) of water demand. This estimate is conservative, as the proposal may include two-bedroom townhouses and is also expected to include commercial development, which typically have lower water demands and would reduce the total number of residential units. The additional wastewater discharge from development permitted under the redevelopment plan is not anticipated to trigger additional monitoring under the agreement or exceed the 3.0 MGD cap.

Monroe Township's 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

**3. Requirement for Certificate of Filing and Content of Development Applications**

Not applicable.

**4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

N.J.A.C. 7:50-3.39(a)8 specifies that, in order to be certified by the Commission, municipal land use ordinances must provide for sufficient residentially zoned property, in the Regional Growth Area, to be eligible for an increase in density through the use of Pinelands Development Credits (PDCs) as set forth in N.J.A.C. 7:50-5.28(a)3.

As described in Section 2 above, the Hightop Redevelopment Plan increases the residential zoning capacity of the Township's Regional Growth Area by 286 units. This increase triggers the requirement to accommodate the use of PDCs within the redevelopment area. Since the permitted densities in the redevelopment area exceed the 3.0 dwelling units per private upland acre required by the CMP, PDCs must be required for a percentage of the permitted dwelling units. The CMP further requires that this percentage be established in consideration of the type of dwelling units permitted, maximum permitted density, and the rate at which PDCs have been used in the municipality's Regional Growth Area as a whole.

The Hightop Redevelopment Plan requires the use of PDCs for 25% of all market-rate units in the redevelopment area, including age targeted units. Units required to be set aside for low- and moderate-income households are excluded from the PDC calculation, up to a maximum of 48 units or 20% of the total number of units, whichever is less. Under the redevelopment plan, this would allow for the use of up to 60 PDC rights (15 PDCs) if the redevelopment area were developed for residential use only and 48 affordable units were exempted from the PDC requirement.

Under the CMP's traditional base density/bonus density framework, the maximum *potential* rate of PDC use had an upward bound of about 33% of units. However, under that framework the use of PDCs to achieve bonus density was at the discretion of the developer. If the proposed development met the base density for the zone, there was no requirement that the developer use PDCs to achieve bonus densities. Over the past twenty years, the Commission has certified numerous zoning ordinances and redevelopment plans that include mandatory PDC requirements, typically where municipalities sought flexibility to increase density beyond CMP standards or to exempt affordable units from PDC requirements. In such cases, and given the greater certainty of PDC redemption if development occurs, the Commission has certified mandatory PDC rates generally ranging from 25% to 30%. Higher percentages have typically been required where PDC utilization has been limited within a municipality's Regional Growth Area or where PDC obligations have been shifted between zoning districts. In this case, the 25% mandatory PDC rate is appropriate given the maximum permitted density and that rate at which PDCs have been used in Monroe Township, which is third most among Regional Growth Area municipalities.

Recent amendments to the CMP expressly allow municipalities to identify housing types for which PDC use is not required, including units made affordable to low- and moderate-income households, provided that the ordinance includes provisions to guarantee the use of PDCs for other housing types or within other zoning districts in the municipality's Regional Growth Area (N.J.A.C. 7:50-5.28(a)3v). In this case, the Township has elected to exempt affordable units from PDC requirements, up to a maximum of 48 units or 20% of the total number of units, whichever is less, while requiring that 25% of the remaining units to be developed in the redevelopment area redeem PDCs. This sufficiently guarantees the use of PDCs for other housing types in the redevelopment if residential development occurs.

This standard for certification is met.

#### **9. Referral of Development Applications to Environmental Commission**

Not applicable.

#### **10. General Conformance Requirements**

Ordinance O:06-2026 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

#### **11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance O:06-2026 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

The redevelopment plan related to Ordinance O:06-2026 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

**Public Hearing**

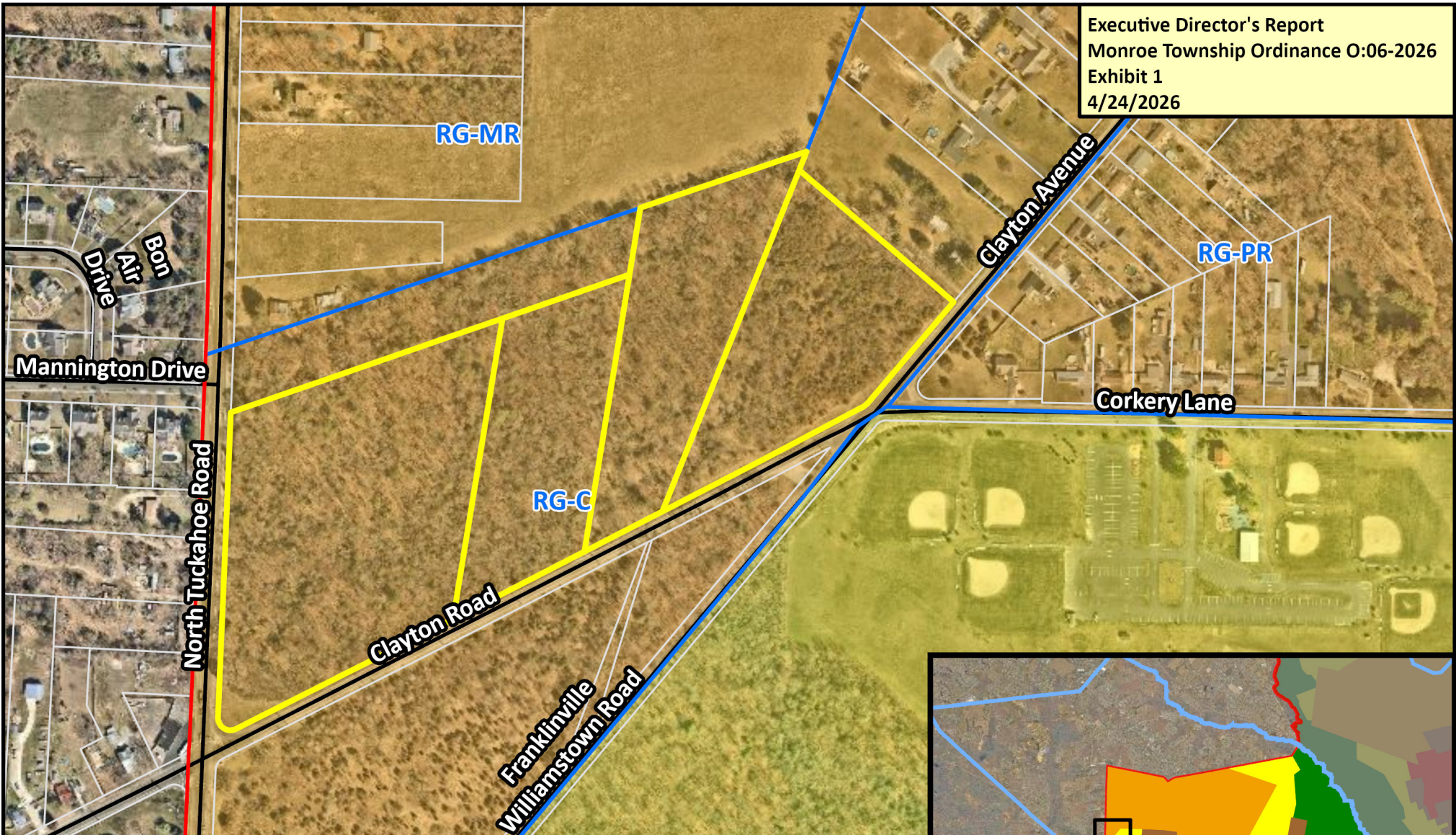
A public hearing to receive testimony concerning Monroe Township's application for certification of its 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 was duly advertised, noticed and held on April 8, 2026 at 9:30 a.m. Ms. Amber Mallm conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call in during the public hearing to provide testimony. No testimony was provided.

Written comments on the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 were accepted through April 10, 2026. No written comments were received.

**Conclusion**

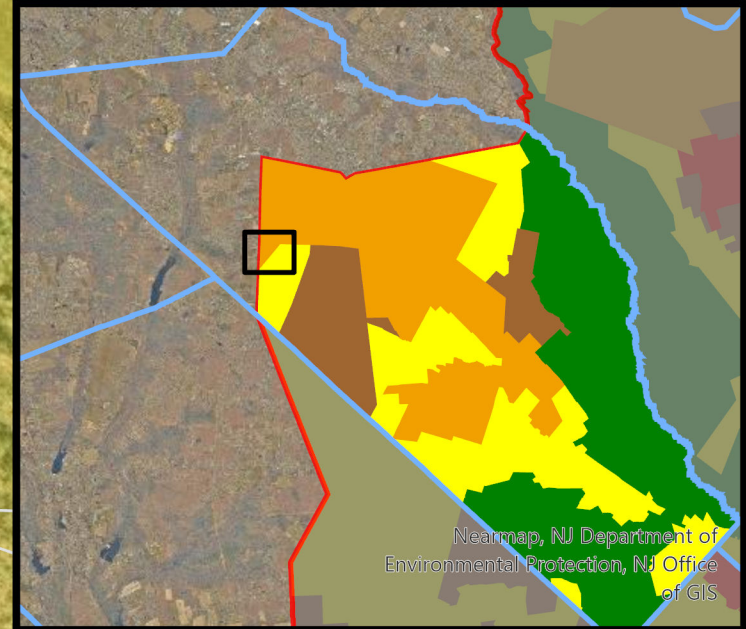
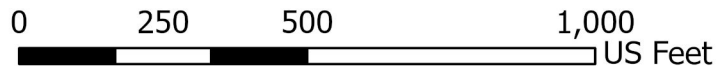
Based on the Findings of Fact cited above, the Executive Director has concluded that Monroe Township's 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026, adopting the Hightop Redevelopment Plan, complies with the Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 of Monroe Township.

SRG/DBL/ATM/CMO  
Attachments



**Existing Conditions of Hightop Redevelopment Area**

- Hightop Redevelopment Area
- Pinelands Area Boundary
- Pinelands Zoning
- Pinelands Parcels
- Road Centerlines
- Rural Development Area
- Regional Growth Area
- Pinelands Management Areas





# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-26-\_\_\_\_\_**

**TITLE:** Issuing an Order to Certify Monroe Township's 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026, adopting the Hightop Redevelopment Plan

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS**, on September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Monroe Township; and

**WHEREAS**, Resolution #PC4-83-76 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-83-76 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on June 25, 2025, the Monroe Township Planning Board adopted Resolution PB-22-25, approving the Township's 2025 Housing Element and Fair Share Plan, dated June 12, 2025; and

**WHEREAS**, the Pinelands Commission received a certified copy of Planning Board Resolution PB-22-25 and the 2025 Housing Element and Fair Share Plan on July 7, 2025; and

**WHEREAS**, by letter dated August 1, 2025, the Executive Director notified Monroe Township that, in accordance with N.J.A.C. 7:50-3.32, the 2025 Housing Element and Fair Share Plan was deemed incomplete until the necessary implementing ordinances were adopted and submitted to the Commission for certification; and

**WHEREAS**, on February 11, 2026, Monroe Township adopted Ordinance O:06-2026, approving a redevelopment plan for the Hightop Redevelopment Area, for the purpose of implementing the 2025 Housing Element and Fair Share Plan; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance O:06-2026 on March 5, 2026; and

**WHEREAS**, by letter dated March 23, 2026, the Executive Director notified the Township that the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 was duly advertised, noticed, and held remotely on April 8, 2026 at 9:30 a.m., with live broadcasting on the Pinelands Commission's public YouTube channel and an opportunity for the public to call-in during the broadcast; and

**WHEREAS**, the Executive Director has found that the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Monroe Township's 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 are in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 and has reviewed the Executive Director’s report; and

**WHEREAS**, the Pinelands Commission accepts the recommendation of the Executive Director; 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

1. An Order is hereby issued to certify that Monroe Township’s 2025 Housing Element and Fair Share Plan and Ordinance O:06-2026 are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Monroe Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta					Lohbauer					Rittler Sanchez				
Avery					Matro					Signor				
Buzby-Cope					Mauriello					Wallner				
Irick					Meade					Matos				
Lettman					Pikolycky									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Susan R. Grogan  
Executive Director

\_\_\_\_\_  
Laura E. Matos  
Chair