



State of New Jersey  
THE PINELANDS COMMISSION  
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PHILIP D. MURPHY  
Governor  
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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA  
Friday, February 9, 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 via the following link:

<https://www.youtube.com/watch?v=F5rBGUnXcgg>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 812 6157 8826

1. Call to Order

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

2. Adoption of Minutes

- January 12, 2024

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 (1) Application for Public Development:

- Application No. 2003-0530.011 - Greater Egg Harbor Regional High School District  
Installation of an artificial turf athletic field and the construction of a 5,900 square  
foot paved storage area at the Cedar Creek High School  
Egg Harbor City

#### 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. 1987-1159.064 - Stafford Township  
Construction of an 1,800 square foot addition to a Township Public Works garage and  
a 6,950 square foot paved parking area  
Stafford Township
- Application No. 2000-0637.005 – New Jersey Department of Environmental Protection  
Change in use of a portion of the former Green Bank School to office space for the  
New Jersey Department of Environmental Protection  
Washington Township

##### B. Waiver of Strict Compliance

- None

#### 6. Master Plans and Ordinances Not Requiring Commission Action

- Hamilton Township Ordinances 2054-2023 and 2058-2023

#### 7. Other Resolutions

- To Accept a 2023 Preserve New Jersey Historic Preservation Fund Grant from the New  
Jersey Historic Trust and Authorize Execution of a Grant Agreement with the New Jersey  
Historic Trust

8. Presentation: Science Office Research update
9. General Public Comment
10. 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.)*
11. Adjournment

#### Upcoming Meetings

Wed., February 14, 2024	Climate Committee Meeting (9:30 a.m.)
Fri., February 23, 2024	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., March 8, 2024	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.

Pinelands Commission and Committee meeting agendas are posted on the Commission's Website and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/) for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES  
January 12, 2024

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=DsuQQYL3n68>*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., John Holroyd, Jerome H. Irick, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, Jessica Rittler Sanchez, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jay Stypinski and Governor's Authorities Unit representative Samuel Kovach-Orr.

Commissioners Absent

Dan Christy and Theresa Lettman.

Call to Order

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

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

DAG Stypinski administered the oath of office to Jessica Rittler Sanchez, who was appointed by the Governor to serve on the Commission.

Commissioner Rittler Sanchez said she is honored to be part of the Commission and hopes that her background can be valuable in helping to sustain the resources of the Pinelands for future generations.

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

The Commission pledged allegiance to the Flag.

### Minutes

Chair Matos presented the minutes from the Commission's December 8, 2023 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the December 8, 2023 Commission meeting were adopted by a vote of 10 to 0. Commissioner Rittler Sanchez abstained from the vote.

### Executive Director's Report

ED Grogan provided information on the following matters:

- The next steps in the process for the rehabilitation and renovation of Fenwick Manor can begin once the Governor signs the appropriation bill for the release of the capital fund grant money to the New Jersey Historic Trust. A resolution to accept the grant and authorize the grant agreement with the New Jersey Historic Trust will most likely be considered at the February Commission meeting.
- John Cecil from the New Jersey Department of Environmental Protection (NJDEP) will present an overview of the Wharton State Forest Visiting Vehicle Use Map at the March Commission meeting. On January 24<sup>th</sup>, the NJDEP will host an open house at which the draft Visiting Vehicle Use Map will be made public and embark on a 45-day public comment period.

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

- The Commission recently issued a Certificate of Filing for the change of use application of the former Bass River Township Elementary School to an overnight boarding school. The Township will need to issue a use variance for the change of use. The school is located in the Pinelands Village of New Gretna.
- Commission staff members are scheduled to meet with municipal officials from the Town of Hammonton to discuss the use of herbicide in Hammonton Lake, in addition to hearing more about the town's goals for the lake. An endangered plant species has been found in the lake. Staff is trying to determine the effects of the herbicide on the specific endangered plant species and the best way to proceed.
- Staff has met with an applicant regarding a proposal for a warehouse in Manchester Township. The proposal would include the possible relocation of an existing improved road to address the Threatened and Endangered (T&E) species issue and accommodate the construction of the warehouse. Staff is keeping the township informed on the matter.

Commissioner Avery asked how the applicant for the boarding school will address its wastewater.

Director Horner said the existing school is serviced by a septic system. He said the school predates the 1981 effective date of the Comprehensive Management Plan (CMP) that requires groundwater to meet the 2 parts per million nitrate/nitrogen standard. He said if the proposed use reduces the level of nitrate/nitrogen, a new septic system will not be required, because in actuality the use is improving the groundwater quality. The applicant has received a letter from the county health department verifying that a new septic system is not required.

Gina Berg, Director of Land Use Programs, provided an update on the following land use matters:

- The January 26<sup>th</sup> Policy and Implementation Committee meeting will include a presentation by Thomas Hedden with The East Coast Enduro Association and a presentation by staff summarizing 2023 conformance activities.
- The next Climate Committee meeting is scheduled for February 14<sup>th</sup> and will include a presentation on the Pinelands Management Area boundary evaluation.
- The State Agriculture Development Committee will be holding information sessions on its new formula to value lands that are being considered for potential farmland preservation easements. Bill A4729 was signed into law on January 8, 2024. The new formula is modeled on the Pinelands formula implemented in 2001, and it considers the following: environmental quality, site specific factors, scenic corridors, onsite septic suitability and agricultural viability, in addition to traditional appraisals.

Director Berg noted that the Land Use programs office has been involved in several interagency workgroups, as noted in the December 2023 Management Report.

- A number of Pinelands offices have coordinated efforts to ensure preparedness for any application that may require review using the new water management (Kirkwood-Cohansey) rules that went into effect in early December.
- An annual report of work completed on projects funded through the Long-Term Monitoring agreement was submitted to the National Park Service (NPS). Staff will be developing a work plan for the next federal fiscal year and reaching out to NPS regarding the need for either a new five-year cooperative agreement or a one-year task agreement.

Stacey Roth, Chief, Legal and Legislative Affairs, said the new legislature was sworn in on Tuesday, January 9, 2024. She said any bills that were not passed will need to be reintroduced during this legislative session. She said Commission staff provided comments to the sponsors of A4/S4251 earlier this month, and the comments were then shared with Commissioners.

She advised that the bills seek to change the process by which a municipality's affordable housing obligation is determined in New Jersey. Staff provided comment on those portions of the bill concerning the obligations of regional planning entities, including the Pinelands Commission. Staff also suggested revisions to the bill to better align the previously required 20% set-aside with the Commission's review processes and management areas. Ms. Roth stated that neither the original bill nor the changes suggested by staff require the Commission to take any action or assume any new responsibilities. In fact, the Pinelands Protection Act was amended in 1989, following the adoption of the Fair Housing Act, and it prohibits the Commission from considering the number of affordable housing units proposed as part of its review of applications and municipal master plans and ordinances.

Ms. Roth also noted that Stafford Township continues to work on its stormwater management plan, causing a slight delay on the Memorandum of Agreement (MOA) for its Forecastle Basin trail accessibility project.

Commissioner Mauriello said he hopes the Commission did not miss an opportunity to promote affordable housing and incentivize cluster development in the Pinelands Area.

ED Grogan said the staff's comments were focused on ensuring that if the Bill were to be adopted, it could work in the Pinelands. She said a number of different offices have reached out to Commission staff for input or advice. Some of those conversations must remain confidential at this time. She said she would keep the Commissioners apprised should there be a bigger role proposed for the Commission related to affordable housing.

Paul Leakan, Communications Officer, noted that the Commission shared 1,360 photos and 103 videos on the agency's Instagram site and 678 tweets on X (formerly Twitter) in 2023. He noted that registration for the 35th Annual Pinelands Short Course is open. The event will be held on March 9th at Stockton University. Commissioners can attend the Short Course at no cost.

### Planning Matters

Chair Matos introduced a resolution that would authorize the Commission to enter into an MOA with Pemberton Township.

Commissioner Lohbauer made a motion Authorizing the Execution of a Memorandum of Agreement between the Pinelands Commission and Pemberton Township Regarding Accessibility Improvements to Pemberton Lake Trail (See Resolution # PC4-24-01). Commissioner Pikolycky seconded the motion.

Ms. Roth said staff has been working with Pemberton Township and the Pinelands Preservation Alliance on a deviation MOA and alternate permitting MOA to permit improvements to portions of the Pemberton Lake Trail in order to provide a more accessible trail for individuals with mobility challenges. She reviewed the proposed site improvements, which include grading and surfacing of existing trails. She said some of the improvements will occur in wetlands and wetland buffers, and that is why the deviation MOA is necessary. She said the CMP would only permit such development in wetlands if it has the least environmental impact possible. In the

case of trails in wetlands and buffers, that would equate to the use of boardwalks. In this instance, the boardwalks were cost-prohibitive.

Ms. Roth said MOAs must include measures that will, at a minimum, afford an equivalent level of protection for the resources of the Pinelands as would be provided through a strict application of CMP standards. She reviewed the list of offsets required by the MOA, including a rain garden near the Magnolia Road entrance to Pemberton Lake.

Ms. Roth said a public hearing was held on December 13, 2023 and two individuals spoke in favor of the MOA. Lastly, she noted the remaining application requirements that must be completed prior to construction.

Pemberton Lake Trail MOA presentation:

<https://www.nj.gov/pinelands/home/presentations/Pemberton%20Lake%20Trail%20MOA%20-%20PC%20Meeting%20-%20January%2012%202024.pdf>

The resolution was adopted by a vote of 11 to 0.

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

Jason Howell of the Pinelands Preservation Alliance commented on Application # 2003-0530.011 (installation of an artificial turf field at the Cedar Creek High School) and asked the Commission to strongly consider this application. He said artificial turf has been linked to brain cancer and there is no safe disposal of the turf after use.

Ordinances Not Requiring Commission Action

Chief Planner Brad Lanute said during the past month staff reviewed nine ordinances that raised no substantial issue. He said they included some of which were related to the Commission's most recent stormwater amendments and the Department of Community affairs model ordinance for electric vehicle charging infrastructure. He said Manchester Township's ordinance is adding Mixed Use Development to a previously approved townhouse development in the Regional Growth Area. Lastly, he said Pemberton Township has expanded the size of its Bobolink Redevelopment Area through an amended Redevelopment Plan, which previously raised no substantial issue with the CMP.

Presentation: Update on the New Jersey Board of Public Utilities (BPU) Straw Proposal for the Dual-Use Solar Pilot Program

Ms. Roth said BPU staff spoke with the Climate Committee last summer about its vision for the Dual-Use Solar program, also known as agrivoltaics. During the straw proposal, BPU is establishing rules for the Dual-Use Solar Energy Pilot Program. She said the Solar Act of 2021 created the Successor Solar Incentive Program (SuSI) followed by two parallel programs: Administratively Determined Incentive (ADI), which are less than 5 mega watt facilities and Competitive Solar Incentive (CSI), which are greater than 5 mega watt facilities. She said when

you apply for the Dual Use Solar program, you have to categorize yourself as either an ADI or CSI. Under the CSI, an applicant would need to show that there is access to the grid and have a letter stating permission to access the grid.

Dual-Use Solar can only occur on unreserved farms. Additionally, a plot of land adjacent to the solar array must be used as a control and maintained as an agricultural or horticulture use. The benefits of agrivoltaics will result in renewable energy while agriculture activities remain and farmland will not be lost to solar fields. The BPU has partnered with the Rutgers Agrivoltaics Program (RAP) to develop and implement the Pilot Program, and they will be involved in the pre-application, application and assessment process. Rutgers currently is experimenting with agrivoltaics at three of its own farms.

Ms. Roth reviewed the solar array sizes, capacity caps and energy targets of the pilot program. She noted that in order to participate, the system could not produce more than 10 megawatts of energy. She said the pilot program will run 36 months from the time rules are adopted. She added that the Commission is not a stakeholder and will be working cooperatively with the BPU as another state agency.

The Dual-Use Solar Pilot Program Act (A5434) P.L. 2021, c. 263. prohibits siting agrivoltaics on preserved farms, in wetlands, the forest area and on certain soils of the Pinelands Area. She said the bill prohibits siting on land located in the Pinelands Preservation Area, which is not to be confused with the Preservation Area District (one of the Commission's nine Management Areas). It's important for Pinelands farmers to be part of the pilot program as long as the siting is consistent with the CMP. A waiver process is available and it's the same waiver process that is currently being used for CSI and ADI. An MOA with the BPU may be necessary to allow for siting of Dual-Use Solar projects in the Pinelands Area as part of the pilot program.

Lastly, Ms. Roth reviewed the schedule of the pilot program, incentives, funding and pre-qualification criteria. She said the pilot program is intended to offer specific data and information supporting a permanent Dual-Use Solar Program in the future; therefore, RAP and the BPU are interested in a wide range of Dual-Use Solar applicants.

Commissioner Rittler Sanchez asked how involved the Department of Agriculture was in developing the Dual-Use Solar Pilot Program.

Ms. Roth said the Department of Agriculture provided soil data and information on agriculture development areas and will be involved in the waiver process.

Commissioner Irick raised concerns about Atlantic County's grid not being up to date. He added that the BPU reported Michigan blueberry farmers had great success with agrivoltaics. He said he is concerned that because blueberries are grown in wetlands that the majority of farmers in Atlantic County will be excluded both now and in the future. He said he hopes the waiver process can provide an opportunity for blueberry farmers to participate in the pilot program.

Commissioner Lohbauer agreed with Commissioner Irick's assessment of the wetlands creating an obstacle for farmers, especially cranberry farmers. He asked if an acreage figure had been determined for a 10-megawatt array with a control.

Ms. Roth said the acreage to accommodate a 10-megawatt array had not been determined.

Commissioner Asselta said Atlantic City Electric never embraced solar technologies. He said each project would need to be submitted and the grid would have to be built out on case-by-case basis. He said it's very expensive to construct a distribution line, approximately \$1 million dollars a mile. He said although the pilot program is noteworthy and ambitious, he believes the concentration should remain on solar on landfills.

Link to the Dual Use Solar Presentation:

<https://www.nj.gov/pinelands/home/presentations/BPU%20-%20Dual%20Use%20Solar%20-%20PC%20Meeting%201-4-24.pdf>

### General Public Comment

Carleton Montgomery of the Pinelands Preservation Alliance congratulated Commissioner Rittler Sanchez on her appointment. He thanked the Commission for approving the Pemberton Lake Trail MOA and invited the Commissioners to visit once the project is complete.

Fred Akers of the Great Egg Harbor Watershed Association congratulated Commissioner Rittler Sanchez on her appointment. He said many years ago Commissioner Rittler Sanchez documented the morphology of Adams Branch in Atlantic County, and that ultimately led to Hamilton Mall redoing its stormwater basins. He said Upper Township adopted a new ordinance related to illegal dumping, raising the maximum fee to \$10,000 and providing a \$1,000 reward to for information leading to a suspect. He added that Hamilton Township is in the process of adopting a similar ordinance but is unsure how the reward will be handled.

Stephen Elliott of the Pinelands Preservation Alliance read the following into the record:

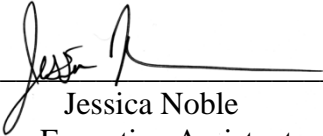
“On behalf of the Partnerships for New Jersey Plant Conservation, Pinelands Preservation Alliance, New Jersey Conservation Foundation, and several other conservation organizations in the state, we would like to thank Executive Director Susan Grogan and the other Pinelands Commission staff members who met with us on November 28, 2023 to discuss the threatened and endangered plant species list in the Pinelands. As many of you know, conservation priorities for plants and animals continually evolve over time. Some species that were once common are becoming rare and threatened. Some species that were formerly threatened are becoming endangered. And some species that were once considered threatened or endangered have actually been shown to be secure and no longer in need of official protection. For those reasons, we met with the Commission staff to advocate for, first, an updated list of T&E plants, and, second, for a process that the Commission could adopt in order to periodically review and update its list as the biological evidence may direct. We recognize that there are several complexities inherent in this situation, and, perhaps no perfect solution, but we believe the Pinelands Commission is dedicated to having a sound scientific basis for its rules, policies, and protocols. So we look forward to

seeing the Commission take up this topic and work toward a sensible and science-based approach to it, and we freely offer any assistance we may be able to provide.”

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 10:45 a.m.

Certified as true and correct:

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

Date: January 23, 2024



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

**NO. PC4-24- 01**

**TITLE:** Authorizing the Execution of a Memorandum of Agreement between the Pinelands Commission and Pemberton Township Regarding Accessibility Improvements to Pemberton Lake Trail

**Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:**

**WHEREAS**, the New Jersey Pinelands Commission is a public body, corporate and politic which was established to prepare and administer the Pinelands Comprehensive Management Plan (CMP) to protect the resources of the Pinelands Area; and

**WHEREAS**, Pemberton Township was incorporated by the New Jersey Legislature in 1826; and

**WHEREAS**, Pemberton Lake is part of the Pemberton Lake Wildlife Management Area in Pemberton Township, Burlington County and is made up of three parcels, Block 825, Lots 7.01, 7.04 and 7.05; and

**WHEREAS**, Pemberton Township owns two of these parcels, Block 825, Lots 7.01 and 7.04; and

**WHEREAS**, the State of New Jersey owns the third parcel, Block 825, Lot 7.05, and the New Jersey Department of Environmental Protection manages the Pemberton Lake Wildlife Management Area; and

**WHEREAS**, the Pemberton Lake Trail is an existing dirt walking trail located within the wildlife management area; and

**WHEREAS**, the Township proposes to improve a portion of the Pemberton Lake Trail that starts at its parking area on Magnolia Road and proceeds proximate to the shoreline of the lake to the trail head at the New Jersey Department of Environmental Protection's parking area on Coleman's Bridge Road;

**WHEREAS**, the proposed improvements include the placement of crushed gravel within the existing length and width of the trail, leveling the trail to no more than a 5% grade along its entire length and installing boardwalks at two areas of the trail that are prone to being wet; and

**WHEREAS**, the proposed improvements would make the trail firm, stable and flat from side to side so it is more accessible to individuals with mobility issues; and

**WHEREAS**, portions of the Pemberton Lake Trail proposed for improvements are located within wetlands and wetlands buffers; and

**WHEREAS**, although the CMP authorizes the development of trails within wetlands and wetlands buffers if certain standards are met, the proposed improvements are not consistent with all of these standards and may not proceed unless the Commission authorizes a deviation from same; and

**WHEREAS**, N.J.A.C. 7:50-4.52(c)2 authorizes the Commission to enter into an intergovernmental memorandum of agreement with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of the Pinelands CMP is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands as would be provided through strict application of the CMP's standards; and

**WHEREAS**, to offset the impacts associated with the proposed improvements, the Township proposes: to 1) revegetate two wetlands buffer areas within the project site, one (4,980 square feet) adjacent to the Magnolia Road parking area and the other (9,250 square feet) adjacent to the Coleman's Bridge Road parking area, with native Pinelands vegetation; 2) create a rain garden in a portion of the denuded area adjacent to the parking area on Magnolia Road; 3) install a gate at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers and electric scooters to enter the trail, while prohibiting entry by off-road vehicles; 4) install wooden rail and post barriers at specific points along the trail in the vicinity of the Pemberton Bypass that are currently used unlawfully by off-road vehicles to access the trail and 5) create two accessible parking spaces at the existing Coleman's Bridge Road parking area; and

**WHEREAS**, N.J.A.C. 7:50-4.52(c)1 authorizes the Commission to enter into an intergovernmental agreement with any agency of the Federal, State or local government which authorizes such agency to carry out specified

development activities without securing individual development approvals from the Commission, provided that the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6; and

**WHEREAS**, establishing an alternate permitting process will facilitate the Township’s submission of additional information to the Commission concerning the proposed project and the proposed offsetting measures; and

**WHEREAS**, the Township has agreed, prior to commencing any site preparation or construction of any portion of the proposed improvements, that it will obtain and provide the following: 1) a Right of Entry from the New Jersey Department of Environmental Protection, to authorize construction of the improvements on that portion of the Pemberton Lake Trail located on the parcel owned by the State of New Jersey and managed by the Department; and 2) a General Freshwater Wetlands Permit 17 to authorize installation of the proposed improvements within freshwater wetlands; and

**WHEREAS**, the Commission’s CMP Policy & Implementation Committee reviewed and indicated support for the draft Memorandum of Agreement at its November 29, 2023 meeting and agreed to forego further review, provided public comment did not result in any recommended substantive changes to the agreement; and

**WHEREAS**, a public hearing to receive testimony on the proposed Memorandum of Agreement was duly advertised, noticed and held remotely on December 13, 2023 at 2:00 p.m. with live broadcast on the Pinelands Commission’s public YouTube channel and opportunity for the public to call-in during the live broadcast; and

**WHEREAS**, the comment period for submission of written comments from the public closed on December 18, 2023 with no comments received; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to execute the Memorandum of Agreement; and

**WHEREAS**, the Commission has duly considered the public testimony submitted to the Commission concerning the Memorandum of Agreement and has reviewed the Executive Director’s report; and

**WHEREAS**, the Commission finds that the offsetting measures proposed by the Township will provide an equivalent level of protection for the resources of the Pinelands as would be provided through strict application of the CMP; and

**WHEREAS**, the Commission further finds that the Memorandum of Agreement, attached hereto, satisfies the standards of N.J.A.C. 7:50-4.52(c), which authorizes the Commission to enter into such agreements; and

**WHEREAS**, the 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 the Commission agrees to enter into the attached Memorandum of Agreement with Pemberton Township.

**BE IT FURTHER RESOLVED** that the Commission authorizes the Executive Director to execute this Memorandum of Agreement.

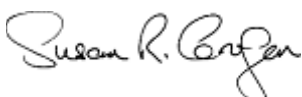
**Record of Commission Votes**

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

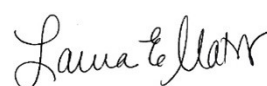
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 12, 2024



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

January 3, 2024

**REPORT ON A PROPOSED MEMORANDUM OF AGREEMENT BETWEEN  
THE NEW JERSEY PINELANDS COMMISSION AND PEMBERTON TOWNSHIP  
REGARDING ACCESSIBILITY IMPROVEMENTS TO PEMBERTON LAKE TRAIL**

**FINDINGS OF FACT**

Pemberton Township, with the assistance of the Pinelands Preservation Alliance (PPA), a non-governmental environmental organization, is proposing to improve a portion of an existing dirt walking trail located along the perimeter of Pemberton Lake in the Pinelands Area. These improvements are intended to make the trail accessible to individuals with mobility issues. The proposed trail improvements will be conducted on portions of the trail located in wetlands and wetland buffers. The proposed Memorandum of Agreement (MOA) would authorize a deviation from the wetland and buffer standards of the Pinelands Comprehensive Management Plan (CMP) and establish an alternate permitting process to facilitate construction of the trail improvements.

I. Background and Purpose of the Memorandum of Agreement (MOA)

Pemberton Lake Trail is located within the Pemberton Lake Wildlife Management Area (WMA). It is comprised of three sections: 1) an approximately 0.74 mile section that starts at a parking area located on Magnolia Road and then proceeds proximate to the lakeshore to the entrance of a parking area located off Coleman's Bridge Road; 2) an approximately 0.30 mile section that starts at the entrance of the Coleman's Bridge Road parking area then proceeds up Coleman's Bridge Road to its intersection with the Pemberton Bypass; and 3) an approximately 0.28 mile section that runs proximate to the bypass from the intersection with Coleman's Bridge Road to a point where the trail joins back to the first section. The Township plans to flatten and stabilize a 0.65 mile portion of the trail that is located proximate to the lake's banks.

Pemberton Lake Trail is a good candidate for a place for accessible nature recreation. The trail is close to homes and easy to reach for Pemberton Township residents. The trail is short, provides lovely views of Pemberton Lake and has places for fishing or enjoying the scenery along its length and at either end.

There is growing interest among public and nonprofit land managers in providing better opportunities for people with disabilities to access recreational resources throughout the State, including the Pinelands. People with disabilities that impair their ability to enjoy natural places make up a large portion of the population. In Pemberton Township, 14.3 % of the population self-identifies as having a disability. Of these individuals, 57.7% identify as having mobility issues.

One mechanism to provide better access to nature is by making low impact and affordable improvements to suitable existing trails. The Pemberton Lake project will serve as a demonstration project on the costs, feasibility, impacts and effectiveness of this kind of accessible trail project in a Pinelands setting.

## II. Proposed Project and Offset

The Township is proposing to fill and grade portions of the trail within its existing width of four feet. Additionally, two boardwalks, each approximately 20 feet in length, would be constructed in portions of the trail that are prone to being wet. These boardwalks would be placed directly on the ground, without the use of posts or anchors.

The proposed project is expected to result in impacts to 0.038 acres (1,656 square feet) of wetlands and 0.296 acres (12,894 square feet) of wetland buffers. To offset these impacts, Pemberton is proposing to revegetate two areas within the project site, one (4,980 square feet) adjacent to the Magnolia Road parking area and the other (9,250 square feet) adjacent to the Coleman's Bridge Road parking area, with native Pinelands vegetation. Both of these areas are currently denuded and located within required wetlands buffer areas. Pemberton also plans to create a 350 square foot rain garden within a portion of the area to be revegetated adjacent to the parking area on Magnolia Road.

Additionally, Pemberton proposes to construct two accessible parking spaces at the Coleman's Bridge Road parking area and install a gate at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers and electric scooters to enter the trail, while prohibiting entry by off-road vehicles. Pemberton also plans to install wooden rail and post barriers at specific points along the trail in the vicinity of the Pemberton Bypass that are currently used unlawfully by off-road vehicles to access the trail.

## III. Basis for the MOA

In order for the Commission to enter into a MOA with a governmental entity that permits development that may not be fully consistent with the land use and development standards (N.J.A.C. 7:50-5 and 6) of the Pinelands CMP, the governmental entity must demonstrate and the Commission must find that variations from the Plan are accompanied by measures that will, at a minimum, afford an equivalent level of protection for the resources of the Pinelands than would be provided through strict application of the CMP. N.J.A.C 7:50-4.52(c)2.

The Commission may also enter into an MOA with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities without securing individual development approvals from the Commission, provided that the specified development activities are consistent with the land use and environmental standards of the CMP. N.J.A.C. 7:50-4.52(c)1.

## IV. Findings

The information provided in the Township's request for this MOA supports the need for the accessibility improvements proposed for the Pemberton Lake Trail. The Pinelands National Reserve contains a wide assortment of open spaces and recreational opportunities. However, although hundreds of miles of trails suitable for hiking and bicycling exist throughout the Pinelands, as well as countless unmarked, sand roads that are also used for such purposes, few of these trails would be considered accessible.

As discussed above, Pemberton Lake Trail is a good candidate for accessible natural recreation. Additionally, as a pre-existing trail, the improvements required to render it accessible will not result in significant environmental impacts to Pinelands flora and fauna. Although the project will result in impacts to wetlands and buffers, the offsetting measures proposed by the Township will provide an equivalent level of protection for these resources as required by the CMP. These measures include revegetation of denuded wetlands buffer areas onsite, installation of gates and wooden barriers to restrict use of the improved trail by off-road vehicles, development of accessible parking spaces and construction of a rain garden that will serve to educate the public on the use of such green infrastructure to reduce stormwater runoff.

The MOA also establishes an alternate permitting process. In lieu of submitting individual public development applications for revegetation of the two denuded areas and creation of the rain garden, the Township would submit the specific information set forth in the MOA. Provided that this information demonstrates consistency with the relevant provisions of the Pinelands CMP, for which a deviation was not authorized, and the terms of the MOA, such development will be approved through a letter issued by the Executive Director. The alternate permitting process would also be available to the Township for minor, de minimis changes to the scope or design of the trail improvements, provided such changes do not have more than a de minimis impact to wetlands, wetland buffers or threatened or endangered plants or animal species or habits for such animals. This process allows for expedited review and approval of the offsets and any de minimis changes and will facilitate completion of the project on a timely basis. Additionally, given the proposed offset afford an equivalent level of protection of the resources of the Pinelands as strict application of the CMP, the proposed project is consistent with the development standards of the CMP and implementation of an alternate permitting process is authorized.

#### V. Public Hearing

Pursuant to N.J.A.C. 7:50-4.52(c)3, a public hearing to receive testimony concerning the proposed MOA was duly advertised and noticed. The hearing was conducted by Executive Director Susan R. Grogan and held virtually, via ZOOM, on December 13, 2023 at 2:00 p.m. Two individuals attended the hearing. Executive Director Grogan, Stacey Roth and Paul Leakan of the Commission's staff were present at the hearing.

At the outset of the public hearing, Executive Director Grogan provided a summary of the terms of the MOA being requested and the offset proposed by the Township. Ms. Grogan noted that written comment concerning the proposed MOA would be accepted by mail, fax or email until 5:00 p.m. on December 18, 2023.

Ms. Grogan advised the public that following the hearing, a staff report would be prepared with recommended actions concerning the proposed MOA for the Commission's review. This report would include a summary of any testimony provided at the hearing and any written comments received before the record closed on December 18, 2023. Ms. Grogan further advised that the Commission's CMP Policy & Implementation Committee was expected to discuss the proposed MOA at its January 26, 2024 meeting. However, if little public comment was received and did not result in any recommended substantive changes to the MOA itself, the full Commission could consider the proposed MOA at its meeting on January 12, 2024.

The following testimony was received at the hearing.

Daniel Hornickel, Business Administrator, appeared on behalf of Pemberton Township in support of the project. Mr. Hornickel testified that the Township has been working with PPA on this project and hoped to receive Commission approval following the public hearing so that the Township could move forward with smoothing portions of the trail and installing two boardwalks. He confirmed that the Township planned to use crushed gravel for the project and indicated that although the gravel would not come from the Pinelands, it would be sourced from Mercer or Hunterdon counties in New Jersey. Mr. Hornickel stated the Township had done its due diligence by having its engineer work with PPA on the wetlands delineation and by having Princeton Hydro prepare a report as to the efficacy of using Trap Rock gravel on the project. He said that the Township is excited about this project, and that it was going to help the community. Mr. Hornickel stated many disabled veterans reside within Pemberton Township and would benefit from the project. He hoped that the Commission received comments that were positive and supportive of the project and that it unanimously approved the MOA.

Sean Kane-Holland, Access Nature Disability Advocate, PPA, appeared on behalf of the PPA. Mr. Holland testified that PPA was looking forward to completing the MOA process for the project and was eager to get shovels in the ground. He stated that there were over 51,000 people in Burlington County with disabilities and of those individuals 26,000 have ambulatory issues. Making improvements to the Pemberton Lake Trail will provide better access to nature for these individuals. He also stated that he hoped the Commission would use what had been learned from the MOA process for this project, to make the process more efficient so that more trails and outdoor recreational opportunities may be made available to individuals with disabilities.

There being no further testimony, the hearing concluded at 2:14 p.m.

No written comments were received regarding the proposed MOA.

## VI. Conclusion and Recommendation

The proposed MOA would authorize a deviation from the wetlands and wetland buffer standards of the Pinelands CMP in order to permit improvements to the Pemberton Lake Trail to make it accessible for individuals with mobility challenges. As discussed above, the project involves grading and the installation of gravel and two boardwalks on the existing dirt trail.

The MOA includes the following measures to offset the wetlands and buffer impacts associated with the proposed project:

1. Revegetation of two wetlands buffer areas within the project site, one (4,980 square feet) adjacent to the Magnolia Road parking area and the other (9,250 square feet) adjacent to the Coleman's Bridge Road parking area, with native Pinelands vegetation;
2. Creation of a rain garden within a portion of the denuded area adjacent to the parking area on Magnolia Road;
3. Installation of a gate at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers and electric scooters to enter the trail, while prohibiting entry by off-road vehicles;
4. Installation of wooden rail and post barriers at specific points along the trail in the vicinity of the Pemberton Bypass that are currently used unlawfully by off-road vehicles to access the trail; and

5. Creation of two accessible parking spaces at the existing Coleman's Bridge Road parking area.

The MOA is accompanied by measures that, at a minimum, afford an equivalent level of protection for the resources of the Pinelands as required by N.J.A.C. 7:50-4.52(c)2. That being the case, the Commission's authorization of an alternative application process for the Township's trail improvements in accordance with N.J.A.C. 7:50-4.52(c)1 is also warranted. The Executive Director, therefore, recommends that the Commission enter into this MOA with Pemberton Township regarding accessibility improvements to the Pemberton Lake Trail.

Memorandum of Agreement  
Between the New Jersey Pinelands Commission  
and Pemberton Township  
\_\_\_\_\_, 2024

I. PURPOSE

This Memorandum of Agreement (“MOA”) is entered into between the New Jersey Pinelands Commission (“Commission”), an independent political subdivision of the State of New Jersey, having its offices at 15 Springfield Road, P.O. Box 359, New Lisbon, New Jersey 08064; and the Township of Pemberton (the “Township”), a municipality, with its offices at 500 Pemberton-Browns Mills Road, Pemberton, New Jersey 08068.

Pemberton Township (“the Township”) is proposing to improve a portion of an existing walking trail in the Pinelands Area located along the perimeter of Pemberton Lake. These improvements will render the trail accessible to individuals with mobility (ambulatory) disabilities. The Township is proposing to flatten and stabilize a 0.65 mile portion of the trail located adjacent to the banks of the lake. In order to achieve its goal, the Township will need to grade and fill portions of the trail. The Pinelands Preservation Alliance (PPA), a non-governmental environmental organization, is assisting the Township with the project.

Portions of the existing Pemberton Lake Trail are located within wetlands and wetlands buffers. The Pinelands Comprehensive Management Plan (“CMP”) authorizes the development of trails within wetlands and wetland buffers provided certain standards are met. Specifically, (1) there is no feasible alternative route that does not involve development in a wetland/buffer, or, if none, that another feasible route which results in less significant adverse impacts on wetlands/buffers does not exist; (2) the need for the proposed linear improvement cannot be met by existing facilities or modification thereof; (3) the use represents a need which overrides the importance of protecting the wetland/buffer; (4) development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and (5) the resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances. (N.J.A.C. 7:50-6.13.)

As discussed below, the Township proposes to install gravel upon most of the existing dirt trail as part of its improvement project. There are other practical measures, such as the installation of boardwalks, that would have less impact on wetlands/buffers. The Township has advised that installation of boardwalks along the entire length of the trail proposed for improvement is cost prohibitive. Consequently, absent the Commission’s approval of this MOA permitting a deviation from the wetland and wetland buffer standards of the Pinelands CMP, N.J.A.C. 7:50-6.6, -6.13 and -6.14, respectively, the project would not be allowed. This MOA will also establish an alternative application process in accordance with N.J.A.C. 5:50-4.52(c)1.

## II. BACKGROUND

Pemberton Lake is part of the Pemberton Lake Wildlife Management Area (“WMA”). It is located in the Township of Pemberton, Burlington County and is made up of three parcels. Two of these parcels, Block 825, Lots 7.01 and 7.04, are owned by Pemberton Township. The State of New Jersey owns the third parcel, Block 825, Lot 7.05, and the New Jersey Department of Environmental Protection manages the WMA.

Pemberton Lake Trail is an existing walking trail located within the WMA. It is comprised of three sections: 1) an approximately 0.74 mile section that starts at a parking area located on Magnolia Road and then proceeds proximate to the lakeshore to the entrance of a parking area located off Coleman’s Bridge Road; 2) an approximately 0.30 mile section that starts at the entrance of the Coleman’s Bridge Road parking area then proceeds up Coleman’s Bridge Road to its intersection with the Pemberton Bypass; and 3) an approximately 0.28 mile section that runs proximate to the bypass from the intersection with Coleman’s Bridge Road to a point where the trail joins back to the first section. (Exhibit A).

Pemberton Lake is a scenic, manmade 45-acre impoundment off of Magnolia Road. The lake is bracketed by Magnolia Road, the Pemberton Bypass (Route 530), and Coleman’s Bridge Road. There are wetlands to the north and south of the trail. These wetlands feed into the North Branch of the Rancocas Creek and are part of the Rancocas Creek Watershed.

Pemberton Lake Trail is a good candidate for a place for accessible nature recreation. The trail is close to many homes and, thus, easy to visit for Pemberton residents. The trail is short, provides lovely views of Pemberton Lake and has places for fishing or enjoying the scenery along its length and at either end.

## III. THE PROJECT

The Pinelands National Reserve represents an important recreational resource and contains a wide assortment of public open spaces including, but not limited to, two national wildlife refuges, numerous State-owned parks, forests and wildlife management areas, and county and municipal parks. Hundreds of miles of trails suitable for hiking and bicycling exist throughout the Pinelands as well as countless unmarked sand roads that are also used for these purposes.

The Pinelands CMP protects those natural resources necessary for compatible recreational uses and promotes recreational opportunities in a manner that minimizes land use conflicts by permitting low-intensity, recreational uses in undeveloped areas and directing more intensive recreational uses to developed areas. In order to be certified by the Commission, municipal

master plans and land use ordinances must contain a program to protect and enhance recreational resources.

There is a growing interest among public and nonprofit land managers to provide better opportunities for people with disabilities to access recreational resources in the Pinelands and coastal areas of the State through low impact and affordable improvements to suitable, existing trails. The Pemberton Lake project will serve as a demonstration project on the costs, feasibility, impacts and effectiveness of this kind of accessible trail project in a Pinelands setting.

The PPA received a grant from the Inclusive Healthy Communities program of the New Jersey Department of Human Services that allocates \$57,100 for accessibility improvements to trails in the Pinelands, including materials, equipment and professional fees associated with completing such projects. PPA is partnering with Pemberton Township to devote these funds to this project.

#### A. Need for Accessible Trails

People with disabilities that impair their ability to enjoy natural places make up a large portion of the population. According to the 2022 U.S. Census estimates, the total population of the seven counties located within the Pinelands National Reserve is about 2.4 million people. Approximately 14% of these individuals, just over 340,000, identify as having a disability. Ambulatory challenges account for 49% of these disabilities.

The percentage of people with disabilities is similar in Pemberton Township. Specifically, 14.3% of the Township's population self-identifies as having a disability. Of these individuals, 57.7% face mobility challenges.

The United States Department of Agriculture, Forest Service's Accessibility Guidebook for Outdoor Recreation and Trails, dated 2013, defines accessibility as a facility that complied with accessibility guidelines/standards when it was built or altered. With regard to trails, these standards require that the trail be firm and stable, at least 36 inches wide, with no more than a 5% grade (except for short segments), and without gaps or protruding obstacles. Based on these standards, it is likely that the vast majority of existing trails in Pemberton Township and the Pinelands National Reserve as a whole are not accessible, because they (1) are not flat due to gaps in the soil, slopes, protruding tree roots and puddles, (2) have sand that is too soft in places for regular wheelchairs or walkers, and (3) are not maintained, so the condition of these trails changes over time.

According to the Forest Service, the best way to integrate accessibility is to design programs and facilities to the greatest extent possible, without separate or segregated access for people with disabilities. The goal is independence, integration, and dignity for all visitors.

## B. Health Benefits from Spending Time Outdoors

Although it is intuitive that human health is deeply intertwined with outdoor spaces and the environment, studies have proven the health benefits of spending time outside.<sup>1</sup> This growing body of research supports the beneficial effects that exposure to the natural world has on health, reducing stress and promoting healing.<sup>2</sup> These studies suggest that nature is not only nice to have, but it's a have-to-have for physical health and cognitive function.

## C. Proposed Improvements

Pemberton Township is proposing to improve portions of the existing Pemberton Lake Trail. The existing trail starts at Pemberton's Magnolia Road parking area and proceeds proximate to the shoreline of Lake Pemberton to the trailhead at the New Jersey Department of Environmental Protection's Lake Pemberton WMA parking area on Coleman's Bridge Road. (Exhibit A.) The trail runs along the top of what was once a dyke or sand road created when the lake was part of a cranberry farm. There is an existing 905-square-foot boardwalk adjacent to the Magnolia Road parking area that extends to a pier on the west side of Pemberton Lake. The remainder of the trail is not accessible for individuals with mobility challenges, because it is uneven, has soft and wet spots, and has a steep incline. However, it is sufficiently wide, dry and flat along most of its course, to be readily improved to make it accessible.

Consistent with the United States Forest Service Guidelines<sup>3</sup>, the Township proposes to make improvements to the existing dirt trail to make it firm, stable and flat from side to side (4 feet wide) with no more than a 5% grade along its entire length. Specifically, the Township proposes to fill and grade portions of the trail within its existing width, to create a compacted subgrade to a 95% proctor density, i.e., on-site soil density equal to 95% of the maximum achievable compact. Clean gravel will then be placed on the trail, at variable depths depending on existing elevation, to match the existing grade edges. (See Stone Path Detail, Sheet 7 of Exhibit A.)

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<sup>1</sup>*Prescribing Nature: A Physician's Perspective on Wellness and the Outdoors*, <https://www.landscapeforms.com/blog/Pages/Prescribing-Nature-Article.aspx>

<sup>2</sup>*Ecopsychology: How immersion in Nature Benefits Your Health*, Jim Robbins, *Yale Environment* 360 (2020), <https://e360.yale.edu/features/ecopsychology-how-immersion-in-nature-benefits-your-health>, See also. *Nature and mental health: An Ecosystem Service Perspective*, Bratman et al., *Science Advances*, July 24, 2019, <https://www.science.org/doi/10.1126/sciadv.aax0903>.

<sup>3</sup> US Forest Service Trail Accessibility Guidelines (FSTAG) dated 2013, <https://www.fs.usda.gov/sites/default/files/FSTAG-2013-Update.pdf>. See also <https://www.fs.usda.gov/sites/default/files/FSORAG-2013-Update.1.pdf>

For two portions of the trail, both 48 square feet, located in wetlands, the Township is proposing construction of two, separate boardwalks. These boardwalks would be constructed from pressure-treated lumber in sections 12 feet long by 4 feet wide. The deck of the boardwalk would consist of slats that are 2" x 8" x 4' within cleats that are 2" x 2" x 12'. The deck would sit on a backbone of 6" x 6" x 5' wood support structures. The boardwalk would also include two 4" x 4" x 12' side rails. The Township proposes to place the boardwalks directly on the ground. The use of posts or anchors is not proposed. (See Boardwalk Segment Detail, Sheet 7 of Exhibit A).

Pemberton Township is also proposing to install two accessible parking spaces at the Coleman's Bridge Road parking area. These new parking spaces will be paved. The remaining parking area will remain gravel. Currently, there are no accessible parking spaces in that parking area.

Pemberton Township intends to conduct the improvements using existing Township staff and resources, as well as PPA staff and volunteers. Additionally, once the improvements are completed, signage will be installed at each end of the trail advising that the trail is designed to be accessible to those using wheelchairs and that use of motorized vehicles, bicycles and horses is prohibited on the trail. The availability of the accessible trail will be promoted on various websites. Additionally, the Township intends to maintain the trail by conducting quarterly inspections and making repairs as necessary.

#### IV. MEASURES PROPOSED TO AFFORD AN EQUIVALENT OR BETTER LEVEL OF PROTECTION FOR THE RESOURCES OF THE PINELANDS

The proposed project is expected to result in the placement of gravel (i.e. fill) over 0.038 acres (1,656 square feet) of wetlands and 0.296 acres (12,894 square feet) of wetland buffers. To offset these impacts, Pemberton is proposing to revegetate two areas within the project site: one (4,980 square feet) adjacent to the Magnolia Road parking area and the other (9,250 square feet) adjacent to the Coleman Bridge Road parking area, with native Pinelands vegetation. Both of these areas are currently denuded and located within wetlands buffer areas. Pemberton also plans to install a 350-square-foot rain garden within the area to be revegetated adjacent to the Magnolia Road parking area.

Additionally, the Township proposes to install a gate at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers and electric scooters to enter the trail, while making it difficult or impossible to enter with a motorcycle or ATV. The Township will also install wooden rail and post barriers at specific points along the Pemberton Bypass that are currently used unlawfully by motorcyclists to access the trail.

#### V. THE BASIS OF THE MOA

The Pinelands CMP at N.J.A.C. 7:50-4.52(c)2 authorizes the Commission to enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government to authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of the CMP. In order to qualify for a MOA, the governmental entity must demonstrate, and the Commission must find, that any proposed development that may not be fully consistent with the provisions of the Pinelands CMP is accompanied by measures that will, at a minimum, afford a level of protection for the resources of the Pinelands equivalent to that provided by strict application of the standards of the Plan. As discussed above in Paragraph IV, Pemberton Township has proposed measures designed to offset the wetlands and wetland buffer impacts attributable to the project and these measures will afford, at a minimum, an equivalent level of protection for the resources of the Pinelands.

In accordance with N.J.A.C. 7:50-4.52(c)i, the Commission may also enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities without securing individual development approvals from the Commission, provided that the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6. Execution of this MOA also warrants alternative application procedures because the Township is proposing measures that will afford an equivalent level of protection of the resources of the Pinelands as would be accomplished by application of the standards in Subchapters 5 and 6, which makes the MOA consistent with requirements of the Pinelands CMP.

## VI. AGREEMENTS

### A. The Township agrees:

1. The proposed improvements to the Pemberton Lake Trail will be constructed in accordance with the following:
  - a. The Plan entitled "Pinelands Preservation Alliance, Pemberton Lake, Accessible Trail Improvement Plans, Block 825, Lots 7.01, 7.04 & 7.05, Township of Pemberton, Burlington County, New Jersey", prepared by Adams, Rehmann & Heggan, Associates, Inc., dated September 22, 2023, consisting of 7 sheets, and attached hereto as Exhibit A and incorporated herein by reference; and
  - b. Stormwater Management Narrative for Pemberton Lake Accessible Walking Trail & Restoration Area, Pinelands Preservation Alliance, Block 825, Lots 7.01, 7.04, & 7.05, Township of Pemberton, Burlington County, New Jersey, " prepared by Adams, Rehmann & Heggan, Associates, Inc., dated June 26, 2023.

2. It will undertake the following to provide an equivalent level of protection for the resources of the Pinelands:
  - a. Magnolia Road Parking Area– 4,980 sq. ft. Sand Area
    - i. It will revegetate the existing 4,980 sq. ft. sand area located adjacent to the Magnolia Road parking area in accordance with the vegetation standards of the Pinelands CMP at N.J.A.C. 7:50-6.23 through -6.27.
    - ii. It will construct a rain garden on a 350 sq. ft. portion of the 4,980 sq. ft. sand area located adjacent to the Magnolia Road parking area.
  - b. Coleman’s Bridge Road Parking Area – 9,250 sq. ft. Barren Area
    - i. It will revegetate a 9,250 sq. ft. area located at the trail head adjacent to the Coleman’s Bridge Road parking area in accordance with the vegetation standards of the Pinelands CMP at N.J.A.C. 7:50-6.23 through –6.27.
    - ii. It will construct two accessible parking spaces at the Coleman’s Bridge Road parking area.
  - c. Other Offsetting Measures
    - i. It will install a gate at the trailhead at each end of the improved trail that is designed to permit pedestrians, wheelchairs, walkers, electric scooters and other mobility assisting devices to enter the trail, while prohibiting entry by off-road vehicles.
    - ii. It will install wooden barriers at other known areas used by off-road vehicles for trail access, to prevent future access by these vehicles.
3. At least thirty (30) days prior to commencing construction of the proposed improvements to the Lake Pemberton Trail, the Township shall provide the following information to the Executive Director:
  - a. Revegetation plans for revegetation of the 4,980 sq. ft. area adjacent to Magnolia Road and revegetation of the 9,250 sq. ft. area at the trailhead of the Coleman’s Bridge Road parking area. Such revegetation plans shall include:

- i. A list of the native Pinelands trees, plants and/or grasses that will be used in the revegetation plan. At a minimum, the plans for both denuded areas shall include the use of the following Pinelands native grasses: switchgrass, little bluestem and broomsedge, where appropriate. The revegetation plan for the Coleman’s Bridge Road area shall include the planting of a combination of pitch pine and shortleaf pine at an equivalent rate of 300-400 plants per acre. Temporary fencing shall also be installed to protect the revegetated areas during maturation of the planted vegetation.
  - ii. A plan or sketch showing the locations of the plantings and temporary fencing.
  - iii. A plan for replacement of vegetation that does not survive after planting, and percentage survival rate for replanted vegetation required to ensure viability of the replanted areas in perpetuity.
- b. A plan for creation of the rain garden adjacent to the Magnolia Road parking area. This plan shall include the following:
- i. A plan depicting the existing conditions;
  - ii. A proposed site plan;
  - iii. A planting plan that includes a planting schedule listing the names of the plants, the number and size of each plant that will be planted and the location where the plants will be planted. Only native Pinelands trees, plants and grasses shall be used to create this rain garden. The Commission’s Green Infrastructure Implementation Project plans may be used as a model, see:  
  
[www.nj.gov/pinelands/infor/yard/20220711\\_PinelandsCommission\\_AsBuilt%20\(2\).pdf](http://www.nj.gov/pinelands/infor/yard/20220711_PinelandsCommission_AsBuilt%20(2).pdf);
  - iv. A plan showing planting details;
  - v. A conceptual drawing of what the rain garden is expected to look like upon completion; and

- vi. A plan for replacement of vegetation that does not survive after planting, and percentage survival rate for replanted vegetation required to ensure viability of the replanted area in perpetuity.
- 4. It will ensure that its staff, as well as any staff or volunteers provided by the Pinelands Preservation Alliance, any other entity or individuals who volunteer on their own, to assist with the construction of the proposed project, comply with the obligations of this MOA and all requirements of the Pinelands CMP, unless a deviation therefrom is expressly authorized by this Agreement.
- 5. Obtain any and all certificates, licenses, consents, approvals, or permits required from any other State and/or Federal entity, including but not limited to a Freshwater Wetlands General Permit 17 and a Right of Entry from the New Jersey Department of Environmental Protection, prior to commencing site preparation or construction of any portion of the proposed improvements to the Lake Pemberton Trail project, including the offsetting measures delineated in Paragraph VI.A.2 above. No part of this MOA is intended to release the Township and/or any of its consultants, including the Pinelands Preservation Alliance, staff, volunteers, assignees, or successors from the responsibility to obtain all required approvals.
- 6. Incorporate the terms of this MOA, as well as the obligation to comply with all requirements of the Pinelands CMP from which a deviation has not been expressly authorized by this Agreement into any agreements, contracts, or other legal documents pertaining in any way to the construction of the Lake Pemberton Trail Project.
- 7. Any material addition, deviation, or modification to the proposed Lake Pemberton Trail project as delineated in Exhibit A, shall require the Township to submit a formal public development application in accordance with N.J.A.C. 7:50-4.52(b) to the Commission and seek formal Commission approval of such addition, deviation, or modification. Any construction activities that may have commenced on the Lake Pemberton Trail project shall cease and no further development may proceed until the public development application review process has been completed and the Commission has issued a resolution approving the addition, deviation, or modification to the Lake Pemberton Trail project.

8. To the extent that new information becomes available or changes are made to the scope or design of the proposed Pemberton Lake Trail project that would result in more than a de minimis change to the impacts to wetlands, wetland buffers or threatened or endangered plants or animals species or habits for such animals, but would not be considered material and subject to Paragraph VI.A.7., the Township shall submit the new information or changes to the Executive Director who shall determine whether the proposed development remains consistent with the terms of this MOA, the requirements of N.J.A.C. 7:50-5 or 6 not addressed by this MOA, and Exhibit A and issue a written consistency determination.
  
9. If the Executive Director determines that as a result of the new information or any de minimis change to the scope or design of the proposed Pemberton Lake Trail project is inconsistent with the terms of this MOA or a standard of the Pinelands CMP from which a deviation has not been expressly authorized by this agreement or results in increased impacts to threatened or endangered animal species habitat or plant species, or wetlands or wetland buffers associated with the proposed Pemberton Lake Trail project, the Township shall modify the proposed development project(s) until the Executive Director determines that it is consistent with all requirements of this MOA and the Pinelands CMP. If the Township disagrees with the Executive Director's determination, it may file an application for public development pursuant to N.J.A.C. 7:50-4.52(b) and seek formal approval from the Pinelands Commission of the project. The proposed development project may not proceed until the public development application review process has been completed and the Commission has issued a resolution approving the development project.
  
10. The terms of this MOA shall immediately be suspended in the event that the Executive Director determines that an unresolved violation of the terms of this MOA, a requirement of the Pinelands CMP for which a deviation is not authorized by this Agreement, or a written authorization issued by the Executive Director has occurred on the site of the Pemberton Lake Trail Project (Portions of Block 825, Lots 7.01, 7.04 & 7.05, Township of Pemberton, Burlington County, New Jersey). The Township shall have thirty (30) days to seek reinstatement of this MOA by providing the Commission with a written agreement itemizing the steps the Township will take to remedy the violation and a timeline for completion of such steps. If the measures and timeline for completion proposed by the Township are acceptable to the Executive Director, following Commission concurrence, she shall issue a letter to the Township reinstating the terms of this MOA. Failure of the Township to

complete the measure required to cure the violation or make changes to its submission following staff review within the specified timeline may result in reinstatement of the suspension.

11. The Township shall attend a meeting of the Commission's CMP Policy & Implementation Committee to provide a summary of the project following completion of the total project, including 1) the grading and installation of gravel and boardwalks on the Pemberton Lake Trail; 2) revegetation of and installation of the rain garden on a portion of the area adjacent to the Magnolia Road parking area; 3) revegetation of the denuded area at the trail head at the Coleman's Bridge Road parking area; 4) installation of gates at the trailheads at each end of the improved trail; 5) installation of wooden barriers to prevent access to the trail by off-road vehicles; and (6) construction of the two accessible parking spaces at the Coleman's Bridge Road parking area.
12. Notify the Commission upon the completion of each component of the project, including improvements to the Pemberton Lake Trail, revegetation of each of the denuded areas, construction of the rain garden and installation of the gates and wooden barriers as required in Paragraphs VI.A.1 and 2 above.

B. The Pinelands Commission agrees:

1. The Commission shall not require the filing of formal public development applications in accordance with N.J.A.C. 7:50-4.52(b) for the proposed improvements to the Lake Pemberton Trail and implementation of the offsetting measures set forth in Paragraphs VI.A.1 and 2 above, unless:
  - a. Any of the proposed offsetting measures set forth in Paragraph VI.A.2 are inconsistent with the requirements of this MOA and/or any of the standards of Subchapter 5 and 6 of the Pinelands CMP for which a deviation has not been expressly provided by this MOA, and the Township has not modified the proposed development project to render it consistent with such requirements;
  - b. There is a material addition to, deviation from, or modification to any of the proposed development projects; or
  - c. As a result of new information or any change to the scope or design of the proposed development project(s) submitted to the Executive Director in accordance with Paragraph VI.A.8., the proposed

development project is inconsistent with the requirements of this MOA or a standard of the Pinelands CMP from which a deviation has not been authorized by this Agreement or will result in a material increase in the threatened or endangered animal species habitat or wetlands/wetland buffers impacts associated with the proposed project for which deviations have been authorized by this MOA, and the Township has not modified the proposed development project to render it consistent with such requirements.

2. Within thirty (30) days of receipt of the information submitted pursuant to Paragraphs VI.A.3 or VI.A.8, the Executive Director will provide written authorization in accordance with Paragraph VI.B.4 or the Commission staff will provide a written explanation of deficiencies in accordance with Paragraph VI.B.3.
3. If the Executive Director determines that any portion of a proposed project is inconsistent with this MOA and/or the provisions of the CMP from which a deviation has not been authorized by this Agreement, then the Commission staff shall provide a written explanation of the deficiencies and identify specific actions that must be taken by the Township to remedy such deficiencies.
4. If the Commission staff determines, after review of information submitted in accordance with Paragraphs VI.A.3 or VI.A.8 and/or in response to any deficiency letter issued by the Commission pursuant to Paragraph VI.B.3, that a proposed project is consistent with this MOA and the provisions of the CMP from which a deviation has not been authorized by this Agreement, it shall issue a written authorization to the Township setting forth this determination. This written authorization shall constitute a public development approval and no further action by the Commission shall be required.
5. In the event of a suspension of the terms of this MOA in accordance with Paragraph VI.A.10, the Executive Director shall, following the Commission's concurrence, issue a letter to the Township reinstating the terms of this MOA following the Township's submission of a written agreement in accordance with Paragraph VI.A.10 and the acceptance of same by the Executive Director and the Commission. The Executive Director retains the right to a violation unresolved until such time as the Township has implemented all measures set forth within its written agreement.

## VII. EFFECTIVE DATE, DURATION AND SIGNATURES

1. In accordance with N.J.S.A. 13: 18A-5(h), this MOA shall take effect following the conclusion of the Governor's review period and approval of the Pinelands Commission meeting minutes authorizing execution of this MOA and then upon approval and signature by the authorized representatives of all parties.
  
2. This agreement shall remain in effect unless amended by written consent of both Parties or otherwise terminated or suspended by the Pinelands Commission or terminated by both parties upon sixty (60) days written notice or suspended by the Commission in accordance with Paragraph VI.A.10.
  
3. This MOA, along with any exhibits, appendices, addendums, or schedules, attached hereto and incorporated herein by reference and any subsequent written amendments executed by the parties, constitutes the entire agreement of the parties, and supersedes all previous understandings and agreements between the parties, whether oral or written. The Parties hereby acknowledge and represent that said parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set forth in this MOA, made by or on behalf of any other party or any other person whatsoever, prior to the execution of this MOA.
  
4. This MOA may be executed in counterparts. All such counterparts shall constitute an original and all of which together shall constitute one and the same agreement, binding upon the parties. Faxed and electronic signatures shall constitute original signatures.

**IN WITNESS WHEREOF**, the parties have caused their duly authorized representatives to execute this MOA on and as of the day and year written below. This MOA shall be executed in at least three (3) original copies, one of which is to be delivered to Pemberton Township and two (2) of which are to be delivered to the Pinelands Commission.

Pemberton Township

Witnessed:

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

New Jersey Pinelands Commission

Witnessed:

By: \_\_\_\_\_

Susan R. Grogan  
Executive Director

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

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

Exhibit A

Pemberton Lake Accessible Trail Improvement Plans  
Block 825, Lots 7.01, 7.04 & 7.05  
Pemberton Township, Burlington County, NJ  
Dated September 22, 2023, revised November 1, 2023



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

**NO. PC4-24-** \_\_\_\_\_

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 2003-0530.011)

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

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

**2003-0530.011**

<b>Applicant:</b>	<b>Greater Egg Harbor Regional High School District</b>
Municipality:	Egg Harbor City
Management Area:	Pinelands Town
Date of Report:	January 19, 2024
Proposed Development:	Installation of an artificial turf athletic field and the construction of a 5,900 square foot paved storage area at the Cedar Creek High School.

**WHEREAS**, a 5,900 square foot paved storage area was constructed on the parcel without application to, and approval by, the Pinelands Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, the applicant proposes to address this violation by including the construction of the 5,900 square foot paved storage area in this application for the installation of an artificial turf athletic field on the parcel; and

**WHEREAS**, the applicant has completed this application for the construction of the 5,900 square foot paved storage area and the installation of an artificial turf athletic field on the parcel; and

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

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; 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 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 2003-0530.011 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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

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



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

January 19, 2024

Thomas P. Grossi, Business Administrator (via email)  
Greater Egg Harbor Regional High School District  
1824 Dr. Dennis Foreman Drive  
Mays Landing NJ 08330

Re: Application # 2003-0530.011  
Block 186, Lots 1 - 1.08  
Egg Harbor City

Dear Mr. Grossi:

The Commission staff has completed its review of this application for installation of an artificial turf athletic field and the construction of a 5,900 square foot paved storage area at the Cedar Creek High School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2024 meeting.

**The 5,900 square foot paved storage area was constructed on the parcel without application to the Commission. The construction of the paved storage area constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address 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 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)  
Mark Shenoda (via email)  
James Schroeder (via email)  
Stefanie Pacifico, PE (via email)  
Brian Decina, P.E. (via email)  
Jason Howell (via email)  
Paul Funk (via email)



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General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 19, 2024

Thomas P. Grossi, Business Administrator (via email)  
Greater Egg Harbor Regional High School District  
1824 Dr. Dennis Foreman Drive  
Mays Landing NJ 08330

Application No.: 2003-0530.011  
Block 186, Lots 1-1.08  
Egg Harbor City

This application proposes the installation of an artificial turf athletic field and the construction of a 5,900 square foot paved storage area at the Cedar Creek High School located on the above referenced 66.23 acre parcel in Egg Harbor City.

The application proposes to replace an existing grassed athletic field with an artificial turf athletic field. The replacement athletic field will be in the same location as the existing athletic field.

The 5,900 square foot paved storage area was constructed on the parcel without application to the Commission. The construction of the paved storage area constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.

### **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. 7:50-5.27)**

The parcel is located in the Pinelands Town of Egg Harbor City. Institutional uses, including schools and accessory athletic fields to a school, are a permitted land use in a Pinelands Town

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

The proposed development will be located within the limits of the existing grassed athletic field and maintained lawn areas. 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 to utilize grasses that meet that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a stormwater infiltration basin adjacent to the proposed paved storage area and a subsurface stormwater infiltration system beneath the proposed synthetic turf athletic field.

There is an existing stormwater management basin on the parcel. The basin was approved by the Commission as part of the application to construct the existing Cedar Creek High Scholl (App. No. 2003-0530.001). The existing basin is retaining stormwater and not functioning as designed. To address this issue, the applicant proposes to drain the basin, remove a one foot layer of soil from the bottom of the basin and replace the soil with suitable material. The applicant has indicated that this remediation plan will be implemented by December 31, 2024.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

**PUBLIC COMMENT**

This applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced proposed development was completed on January 26, 2023. Newspaper public notice was completed on January 26, 2023. The application was designated as complete on the Commission's website on December 15, 2023. The Commission's public comment period closed on January 12, 2024. The Commission received one verbal comment at its January 12, 2024 meeting and one written public comment (attached) regarding this application.

Public commenters #1 & #2: Both public commenters indicated that they believed that the proposed artificial turf athletic field is toxic and that the Pinelands Commission should prohibit the installation of artificial turf fields in the Pinelands Area.

Staff response: The Commission appreciates the commentators' interest in the Pinelands Area. The Commission has previously approved numerous applications proposing the installation of artificial turf athletic fields in the Pinelands Area. Historically, the Commission has not regulated the composition of construction materials such as road pavement, concrete and building products.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 17 sheets, prepared by Veisz, Hopkins, Duthie, all sheets dated January 19, 2023 and last revised November 3, 2023
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. The applicant shall begin the remediation of the existing stormwater basin by December 31, 2024.

### **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.



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

## **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 6, 2024 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.

## Written Public Comment:

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**From:** Info, PC [PINELANDS] (info@pinelands.nj.gov)  
**Received:** 1/12/2024 1:59:29 PM  
**To:** AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** FW: [EXTERNAL] Pinelands Commission decision on Artificial Turf  
**Attachments:** None

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**From:** Paul Funk <funky546@yahoo.com>  
**Sent:** Friday, January 12, 2024 12:22 PM  
**To:** Info, PC [PINELANDS] <info@pinelands.nj.gov>  
**Subject:** [EXTERNAL] Pinelands Commission decision on Artificial Turf

To The NJ Pinelands Commission 01/12/2024,

I learned today that Egg Harbor High School wants to install Artificial Turf.

I would have liked the commission to STOP Egg Harbor High School from installing artificial turf because it is toxic, rife with PFAS and simply takes a bite out of the environment.

The commission member who mentioned his daughter would benefit from this "Astro" turf should also consider the health risks from it.

Yours,

Paul Funk a New Jersey resident



Virus-free [www.avg.com](http://www.avg.com)



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

**NO. PC4-24-\_\_\_\_\_**

**TITLE:** To Accept a 2023 Preserve New Jersey Historic Preservation Fund Grant from the New Jersey Historic Trust and Authorize Execution of a Grant Agreement with the New Jersey Historic Trust

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

**WHEREAS**, in September 2022, the Pinelands Commission was awarded a Preserve New Jersey Historic Preservation Fund Grant in the amount of \$31,387 for the preparation of a Preservation Plan for historic Fenwick Manor; and

**WHEREAS**, the Commission's consultant, Connolly & Hickey, prepared the Preservation Plan, which details the interior and exterior work required for the rehabilitation and long-term preservation of historic Fenwick Manor and the costs associated with that work; and

**WHEREAS**, based on the information provided in the Preservation Plan, on April 14, 2023, the Pinelands Commission adopted Resolution PC4-23-15, authorizing the Executive Director to submit an application to the New Jersey Historic Trust for a 2023 Preserve New Jersey Historic Preservation Fund Grant to fund the rehabilitation and preservation of historic Fenwick Manor; and

**WHEREAS**, Resolution PC4-23-15 also certified the availability of matching funds to be provided by the Commission should the requested Historic Trust capital grant be received; and

**WHEREAS**, on April 18, 2023, the Commission submitted an application to the New Jersey Historic Trust, requesting a capital grant of \$575,000 for the rehabilitation and preservation of historic Fenwick Manor; and

**WHEREAS**, on September 27, 2023, the New Jersey Historic Trust announced its recommendation that grant funding in the amount of \$575,000 be awarded to the Pinelands Commission for the rehabilitation and preservation of historic Fenwick Manor; and

**WHEREAS**, on January 16, 2024, Governor Murphy approved the appropriation of funds from the Preserve New Jersey Historic Preservation Fund to the New Jersey Historic Trust to support the recommended grants for historic preservation projects; and

**WHEREAS**, the Commission's adopted budget for Fiscal Year 2024 includes sufficient funds to satisfy the 50% match requirement for the capital grant received from the New Jersey Historic Trust; and

**WHEREAS**, execution of a grant agreement between the Commission and the New Jersey Historic Trust is required in order to obtain the grant funds; and

**WHEREAS**, the Commission will thereafter need to retain consultants for the design and construction services associated with the project; 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. The Pinelands Commission hereby accepts the \$575,000 grant from the New Jersey Historic Trust and expresses its gratitude to the Trust for its support of the Commission’s efforts to rehabilitate and preserve historic Fenwick Manor; and
2. The Executive Director is authorized to execute a grant agreement with the New Jersey Historic Trust for purposes of obtaining the grant funds; and
3. The Executive Director is authorized to work with the New Jersey Historic Trust and the Division of Property Management and Construction, Department of Treasury, on the preparation of a final scope of services and requests for proposal and thereafter secure all design and construction services necessary to complete the project.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

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

## MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*  
Planning Specialist

Date: January 29, 2024

Subject: No Substantial Issue Findings

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During the past month, the Planning Office reviewed 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:

**Hamilton Township Ordinances 2054-2023 and 2058-2023** – amend the existing Redevelopment Plan for the Entirety of the Township of Hamilton, which was previously adopted by Ordinance 1897-2010 and found to raise no substantial issues with respect to the CMP as adopted and amended.

- **Ordinance 2054-2023** amends the number of municipal, adult-use, recreational cannabis licenses based on cannabis class. The ordinance allows for a maximum of five licenses for Class 1 (cultivation); three licenses each for Class 2 (manufacturing) and Class 5 (retail); and one license each for Class 3 (wholesale), Class 4 (distribution), and Class 6 (delivery). The ordinance also increases the minimum distance between Class 5 establishments and existing schools or school facilities. Cannabis-related businesses are currently permitted in a variety of zoning districts within the Pinelands Area portion of the Township.
- **Ordinance 2058-2023** amends the Townshipwide Redevelopment Plan by establishing an overlay zone spanning the entirety of Block 1317, Lots 13.01, 13.02, and 15. The overlay zone is approximately 9.75 acres. Approximately 2.33 acres are located within the Township’s Growth Area – Intensive (GA-I) Zone, with the remainder in the Highway Commercial (HC) Zone. The overlay district is entirely within a Regional Growth Area. All existing zoning provisions, bulk standards, and all other land use requirements of the Township apply to the overlay zone, unless specifically addressed in the amendment. The overlay permits all principal, conditional and accessory uses within the HC District and also permits automotive washes and automotive services. The overlay incorporates the HC District standards with additional modifications to bulk, area and design standards.