



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  
Acting Executive Director

## NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

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

Pinelands Commission YouTube link:

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

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 819 0319 0542

### 1. Call to Order

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

### 2. Adoption of Minutes

- February 11, 2022

### 3. Committee Chairs' and Executive Director's Reports

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

#### A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approvals
  - None
- Public Development Projects and Waivers of Strict Compliance:

Resolution Approving with Conditions (1) Application for Public Development:

- Application No. 1981-2437.017 - Atlantic County Vocational Technical School District Construction of a 10,240 square foot maintenance building and two approximately 5,800 square foot storage yards at the Atlantic County Institute of Technology High School  
Hamilton Township

Resolution Approving with Conditions (3) Applications for Public Development:

- Application No. 1984-0655.033 - South Jersey Transportation Authority  
Construction of six separate electronic tolling stations within the Atlantic City Expressway right-of-way  
Egg Harbor Township, Hamilton Township & Town of Hammonton
- Application No. 1986-1336.004 - Monroe Township  
Construction of a 17,811 square foot fire station  
Monroe Township
- Application No. 1987-1058.083 - South Jersey Transportation Authority  
Installation of four wind cones and associated development at Atlantic City International Airport  
Egg Harbor Township & Galloway Township

B. Planning Matters

- Municipal Master Plans and Ordinances
  - Issuing an Order to Certify Ordinance 2021-10, Amending Chapter XVII (Zoning) of the Code of Tabernacle Township
- 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. 2018-0163.001 – Weston Solutions, Inc on behalf of Manchester Township and the Borough of Lakehurst  
Installation of 2,200 linear feet of water main within the Route 70 and Ridgeway Road rights-of-way.  
Lakehurst Borough  
Manchester Township
- Application No. 2021-0284.001 – New Jersey Department of Transportation  
Installation of 534 linear feet of four-foot-wide sidewalk within the Route 30 right-of-way.  
Town of Hammonton

B. Waivers of Strict Compliance

- Application No. 2020-0238.001 – 0 Cannon Road, LLC  
Single family dwelling  
Jackson Township

6. Master Plans and Ordinances Not Requiring Commission Action

- None

7. Other Resolutions

- To Approve the Pinelands Commission’s 2021 Annual Report
- To Authorize the Acting Executive Director to Submit an Application to the New Jersey Historic Trust for a 2022 Preserve New Jersey Historic Preservation Fund Grant and to Certify the Availability of Matching Funds
- Expressing the Pinelands Commission’s Gratitude for the Restoration of Payment in Lieu of Taxes Funding to Pinelands Municipalities in Fiscal Year 2022 and Supporting the Pinelands Municipal Council’s Request for Continued Funding in Future Fiscal Years
- Amending and Supplementing Resolution PC4-20-37 to Clarify the Objectives of the Pinelands Commission Relative to Climate Change in the Pinelands Area and the Responsibilities of the Pinelands Climate Committee

8. Presentation by Shawn LaTourette, Commissioner for the New Jersey Department of Environmental Protection

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**

Fri., March 25, 2022	Policy & Implementation (P&I) Committee Meeting (9:30 a.m.)
Fri., March 25, 2022	Climate Committee Meeting (following the P&I Committee meeting)
Fri., April 8, 2022	Pinelands Commission Meeting (9:30 a.m.)

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

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PINELANDS COMMISSION MEETING

MINUTES  
**February 11, 2022**

*The February 11, 2022 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: [https://www.youtube.com/watch?v=L90XMrsLn\\_Q](https://www.youtube.com/watch?v=L90XMrsLn_Q)*

Commissioners Participating in the Meeting

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

Commissioners Absent

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

Call to Order

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

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

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

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

The Commission pledged allegiance to the Flag.

Minutes

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

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

Recognizing Past Commissioners

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

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

Acting ED Grogan read the resolution into the record.

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

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

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

Acting ED Grogan read the resolution into the record.

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

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

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

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

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

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

### Committee Reports

There were no Committee meetings to report on.

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

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

### Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Discussion on the reconsideration of NJDEP's Applications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Matos requested that the vote be called.

Acting ED Grogan called the vote:

Commissioner Avery: yes	Commissioner Lohbauer: no
Commissioner Holroyd: yes	Commissioner McCurry: yes
Commissioner Irick: no	Commissioner Meade: yes
Commissioner Lettman: abstain	Commissioner Pikolycky: yes
Commissioner Lloyd: yes	Chair Matos: yes

The motion does not carry.

#### Public Development Projects and Other Permit Matters

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

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

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

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

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

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

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

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

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

#### Ordinances Not Requiring Commission Action

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

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

#### Presentation

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

#### General Public Comment

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

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

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

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

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

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

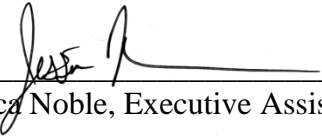
Jamie Philpot said the recent legislation regarding illegal ATV use is not going to be effective. She said the Commission needs to work with State Park Police and local municipalities for cooperative use of the forest. She said she is a member of the New Jersey Trail Riders association and the damage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

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

Adjournment

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

Certified as true and correct:

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

Date: February 22, 2022



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

**NO. PC4-22- 05**

**TITLE:** Expressing the Commission's Appreciation to D'Arcy Rohan Green for her Service as a Member of the Commission From June 29, 2011 to January 7, 2022

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

**WHEREAS**, D'Arcy Rohan Green served as a gubernatorial appointee on the Pinelands Commission from June 29, 2011 to January 7, 2022; and

**WHEREAS**, Ms. Rohan Green brought a wealth of experience in environmental protection and local governance to the Commission as a former member of the Bay Head Borough Council, Environmental Commission and Planning Board. Ms. Rohan Green also served on the Board of Directors for Save Barnegat Bay; and

**WHEREAS**, Commission members are unpaid volunteers who dedicate countless hours of their time and expertise while serving on the Commission; and

**WHEREAS**, during her tenure on the Commission, Ms. Rohan Green served on the Commission's Policy and Implementation and Personnel and Budget committees; and

**WHEREAS**, during her tenure, the Commission adopted five sets of amendments to the Pinelands Comprehensive Management Plan (CMP), including regulations that pertain to the use of advanced wastewater treatment systems and a comprehensive set of amendments that strengthen stormwater management requirements in the Pinelands Area; and

**WHEREAS**, during her tenure, the Commission completed an in-depth review of the CMP; and

**WHEREAS**, during her tenure, the Commission produced and submitted a 123-page report that enabled the Pinelands National Reserve to maintain its status as an International Biosphere Region; and

**WHEREAS**, during her tenure, the Commission contributed \$5.2 million toward the permanent protection of 5,637 acres of land in the Pinelands Area; and

**WHEREAS**, during her tenure, the Commission installed and dedicated the Candace McKee Ashmun Pinelands Education Exhibit, which opened in the Commission's headquarters in December 2018 and will raise awareness and appreciation of the Pinelands for decades to come; and

**WHEREAS**, the members of the Commission want to recognize Ms. Rohan Green's significant contributions and express their appreciation for the service that she performed; 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 members of the Pinelands Commission hereby express our appreciation to our colleague and friend, D’Arcy Rohan Green, for her commitment to the Pinelands and for her service as a member of the Commission from June 29, 2011 to January 7, 2022.

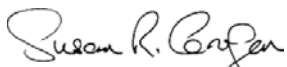
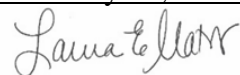
**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



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

**NO. PC4-22- 06**

**TITLE:** Expressing the Commission's Appreciation to Richard H. Prickett for his Service as a Member of the Commission From January 9, 2012 to January 7, 2022

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

**WHEREAS**, Richard H. Prickett served as a gubernatorial appointee on the Pinelands Commission from January 9, 2012 to January 7, 2022 and had served as the Commission's Chairman since May 15, 2019; and

**WHEREAS**, Commission members are unpaid volunteers who dedicate countless hours of their time and expertise while serving on the Commission; and

**WHEREAS**, Mr. Prickett had perfect attendance at Commission meetings during his 10-year tenure; and

**WHEREAS**, Mr. Prickett brought a wealth of experience to the Commission. He was a member of the Pemberton Township Council from 2002 to 2012. He served as Council President in 2002 and 2006 and was a member of the township's Planning Board from 2003 to 2005. Mr. Prickett retired in 2006 after teaching high school science in the Lakewood School District in Ocean County for 26 years. There, he taught advanced placement biology, environmental science, physical science, and chemistry. Mr. Prickett is a former President of the Whitesbog Preservation Trust's Board; and

**WHEREAS**, Mr. Prickett's experience and knowledge of the Pinelands provided the Commission with an invaluable perspective that helped to shape policies and decisions that will safeguard the Pinelands for current and future generations; and

**WHEREAS**, during his tenure, Mr. Prickett served on the Commission's Policy & Implementation, Personnel and Budget, Climate, Agriculture, and the Executive Director Search committees; and

**WHEREAS**, Mr. Prickett also served as the Commission's representative on the New Jersey Pinelands Development Credit Bank Board from 2017 through 2022, during which time nearly 5,000 acres in the Pinelands Area were permanently preserved through the severance of PDCs and over 200 PDCs were redeemed for development in designated growth areas; and

**WHEREAS**, during his tenure, the Commission adopted five sets of amendments to the Pinelands Comprehensive Management Plan (CMP), including regulations that pertain to the use of advanced wastewater treatment systems and a comprehensive set of amendments that strengthen stormwater management requirements in the Pinelands Area; and

**WHEREAS**, during his tenure, the Commission completed an in-depth review of the CMP; and

**WHEREAS**, during his tenure, the Commission produced and submitted a 123-page report that enabled the Pinelands National Reserve to maintain its status as an International Biosphere Region; and

**WHEREAS**, during his tenure, the Commission contributed \$4.1 million toward the permanent protection of 5,256 acres of land in the Pinelands Area; and

**WHEREAS**, during his tenure, the Commission installed and dedicated the Candace McKee Ashmun Pinelands Education Exhibit, which opened in the Commission's headquarters in December 2018 and will raise awareness and appreciation of the Pinelands for decades to come; and

**WHEREAS**, Mr. Prickett propagated and donated dozens of native, insect-eating pitcher plants to the Commission. The plants are thriving in the Commission's bog garden and in an indoor terrarium, where

they are used to educate the public about the special attributes of native Pinelands plants; and

**WHEREAS**, Mr. Prickett delivered several educational presentations during the Commission’s Pinelands Short Course and Pinelands Speaker Series, and he was a staunch supporter of the Commission’s education and outreach programs; and

**WHEREAS**, the members of the Commission want to recognize Mr. Prickett’s significant contributions and express their appreciation for the service that he performed; 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 members of the Pinelands Commission hereby express our appreciation to our colleague and friend, Richard H. Prickett, for his commitment to the Pinelands and for his service as a member of the Commission from January 9, 2012 to January 7, 2022.

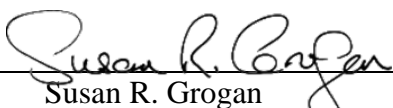
**Record of Commission Votes**

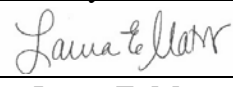
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone			X		Meade	X			
Christy			X		Lettman	X				Pikolycky	X			
Higginbotham			X		Lloyd	X				Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022

  
 Susan R. Grogan  
 Acting Executive Director

  
 Laura E. Matos  
 Chair



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-07

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

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

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

**1985-0160.014**

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

**2006-0305.004**

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

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

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

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

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

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

### Record of Commission Votes

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

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

January 20, 2022

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

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

Dear Mr. Mulvan:

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

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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





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

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

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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

January 20, 2022

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

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

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

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

**STANDARDS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **PUBLIC COMMENT**

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

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

### **CONDITIONS**

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

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

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

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

### **CONCLUSION**

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



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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
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  
Acting 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 7, 2022 and include the following information:

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

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



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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
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  
Acting Executive Director

January 19, 2022

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

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

Dear Ms. Hoffman:

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

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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

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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

January 19, 2022

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

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

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

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

**STANDARDS**

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

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

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

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

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

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

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

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

**PUBLIC COMMENT**

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

**CONDITIONS**

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

**CONCLUSION**

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



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

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

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

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

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

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

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



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

**NO. PC4-22-08**

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

Commissioner Pikolycky moves and Commissioner Lloyd seconds the motion that:

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

**1989-0461.003**

<b>Applicant:</b>	<b>Robert J. Smith</b>
Municipality:	Monroe Township
Management Area:	Pinelands Rural Development Area
Date of Report:	January 19, 2022
Proposed Development:	Single family dwelling; and

**1995-1379.001**

<b>Applicant:</b>	<b>Ryan &amp; Alison DiDonato</b>
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	January 21, 2022
Proposed Development:	Single family dwelling.

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

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

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

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

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

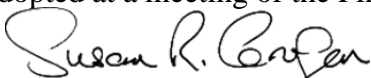
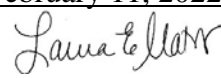
**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



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



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

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

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

## **REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

January 19, 2022

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

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

Dear Mr. Smith:

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

### **FINDINGS OF FACT**

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

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

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

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

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

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

### **PUBLIC COMMENT**

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

### **CONCLUSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### APPEAL

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

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

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



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

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



State of New Jersey  
 THE PINELANDS COMMISSION  
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PHILIP D. MURPHY  
 Governor  
 SHEILA Y. OLIVER  
 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  
 Acting Executive Director

**REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

January 21, 2022

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

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

Dear Mr. & Mrs. DiDonato:

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

**FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

### **PUBLIC COMMENT**

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

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

### **CONCLUSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**APPEAL**

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

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

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

Recommended for Approval by: \_\_\_\_\_



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

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



# SCIENCE OFFICE RESEARCH

February 11, 2022

Pinelands Commission Meeting

# SCIENCE OFFICE PERSONNEL

Staff Member

Years of Service

---

John Bunnell

32

Kim Laidig

29

Patrick Burritt

14

Marilyn Sobel

6

Jeff Dragon

3

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# **PAST RESEARCH**

**Water Quality**

**Wastewater Treatment**

**Upland and Wetland Forests**

**Stream and Wetland Hydrology**

**Aquatic and Wetland Plants and Animals**

**Threatened and Endangered Species**

**Ecological Integrity Assessment**

**Landscape Assessments**

**Cranberry Agriculture**

**Utility Rights-of-way**

# ON-STREAM HABITATS

1994 - 2011

## Upstream Land-use Activities

Development  
Upland agriculture



## Water-quality Degradation

Nutrient enrichment  
Increased dissolved solids  
Elevated pH



## Altered Aquatic Communities

Non-native species invasion



# KIRKWOOD-COHANSEY PROJECT

2002 - 2010

## 12 Studies

Hydrologic-framework Study - USGS

Hydrologic-assessment Study - USGS

Evapotranspiration Study - USGS

Hydrologic-modeling study - USGS

Stream Fish and Invertebrate Study - USGS

Nitrogen Laboratory and Field Study - Rutgers

Stream-habitat Study - PC

Swamp pink Study - PC

Pond-vegetation Study - PC

Frog-development Study - PC

Wetland-forest Study - PC

Landscape-application Study - Rutgers

# OFF-STREAM HABITATS

2011 - 2022

## Surrounding Land-use Activities

Development  
Upland agriculture



## Water-quality Degradation

Nutrient enrichment  
Increased dissolved solids  
Elevated pH



## Altered Aquatic Communities

Non-native species invasion



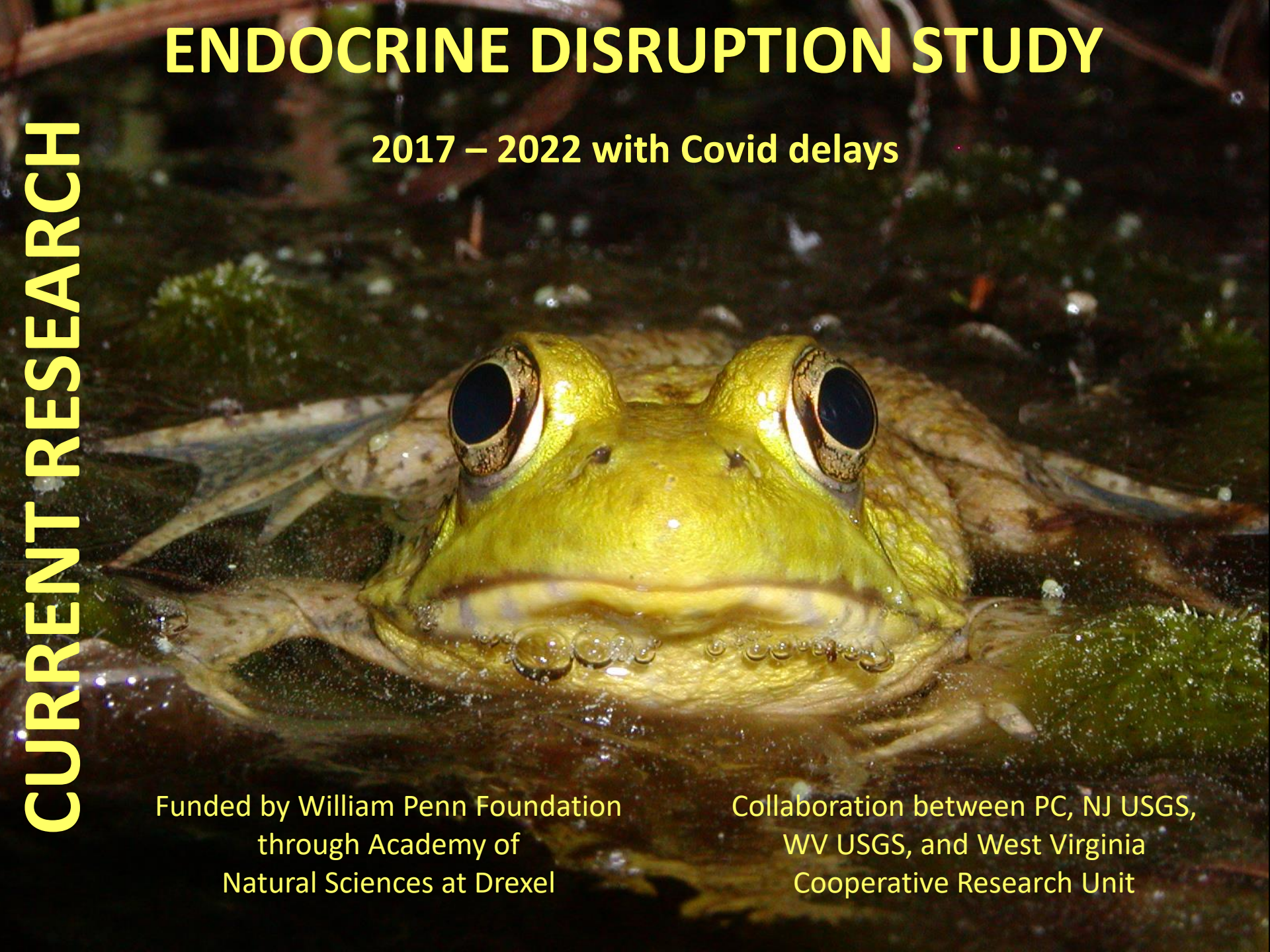
# ENDOCRINE DISRUPTION STUDY

2017 – 2022 with Covid delays

CURRENT RESEARCH

Funded by William Penn Foundation  
through Academy of  
Natural Sciences at Drexel

Collaboration between PC, NJ USGS,  
WV USGS, and West Virginia  
Cooperative Research Unit

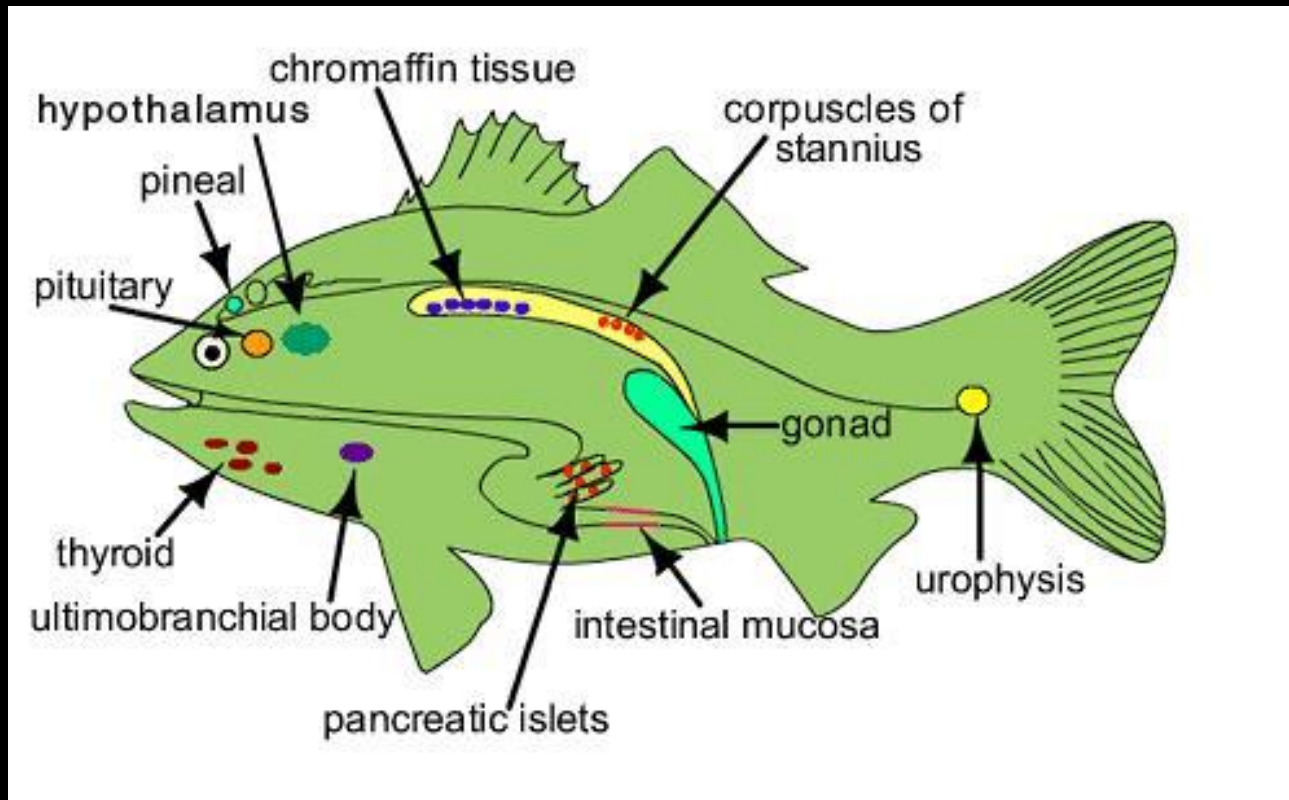


# ENDOCRINE DISRUPTION STUDY

## Endocrine System

a collection of tissues in animals that produce hormones to regulate essential life processes

e.g., reproduction, development, etc.



# ENDOCRINE DISRUPTION STUDY

The background of the slide features a collection of laboratory glassware, including beakers and Erlenmeyer flasks, arranged on a reflective surface. The glassware contains liquids of various colors: purple, blue, red, green, and yellow. The lighting is soft, creating subtle reflections on the surface below the glassware.

## Water Chemistry

3 measures of hormone activity  
7 natural phytoestrogens and mycotoxins  
35 hormones and hormone conjugates

22 trace metals

69 other compounds that include:  
(surfactants, fragrances, antioxidants, disinfectants,  
food additives, plastic components, industrial solvents,  
polycyclic aromatic hydrocarbons, fecal and plant sterols,  
phosphate flame retardants, and high-use domestic pesticides)

# ENDOCRINE DISRUPTION STUDY

## Fish and Frogs

### Hormones

vitellogenin (in bass)

### Sex

skewed sex ratio can indicate endocrine disruption

### Occurrence of testicular oocytes

simultaneous presence of male and female gonadal tissue or intersex

### Parasites

an indicator of a suppressed immune system which may be linked to EDCs

# ENDOCRINE DISRUPTION STUDY

PC role was collection of animals and managing the study

USGS role was chemical and histological analysis

USGS is currently analyzing data and drafting manuscript for publication

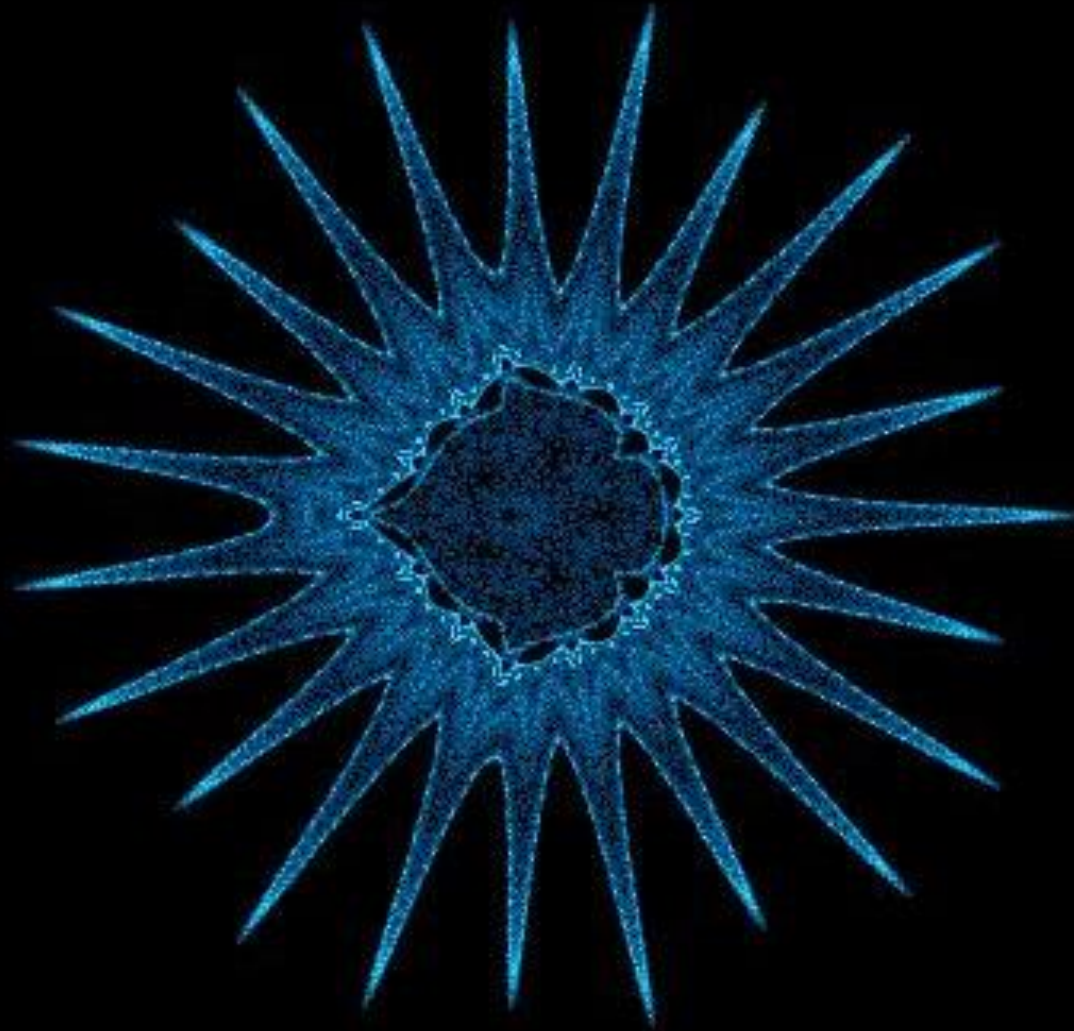
NJDEP DF&W replaced bass in one lake where bass were harvested



# MICROORGANISM STUDY

2019 – 2022

EPA funded collaboration between PC, USGS, and NJDEP



# MICROORGANISM STUDY

## Wetland Mapping

Mapped stormwater basins throughout the Pinelands using 2007 aerial photography in previous study of natural ponds, excavated ponds, and stormwater basins

Update basin mapping using 2017 aerial photography

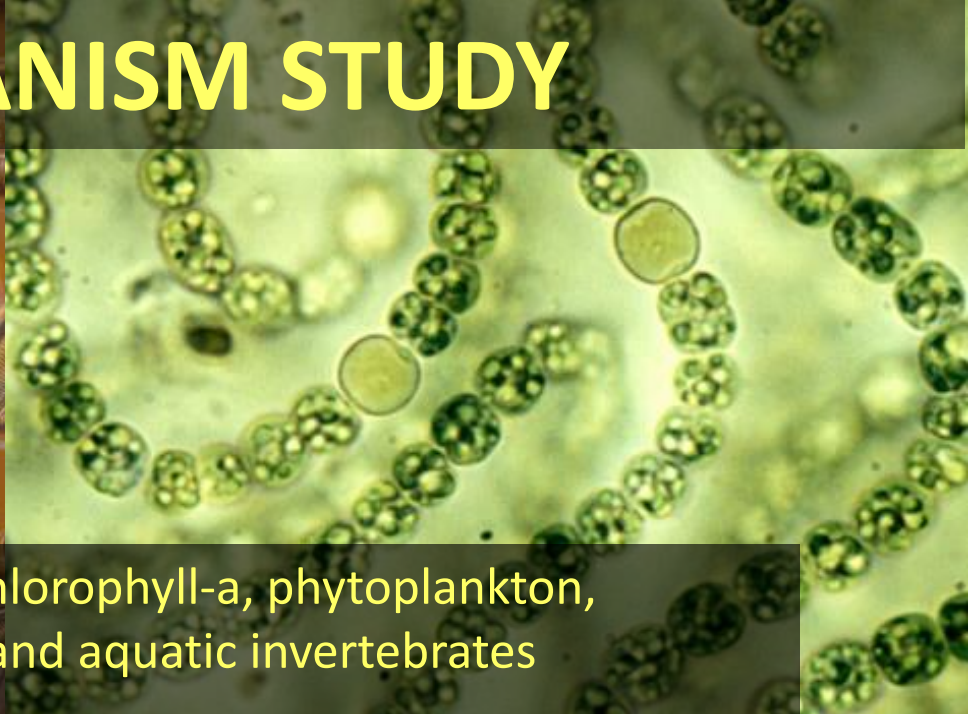
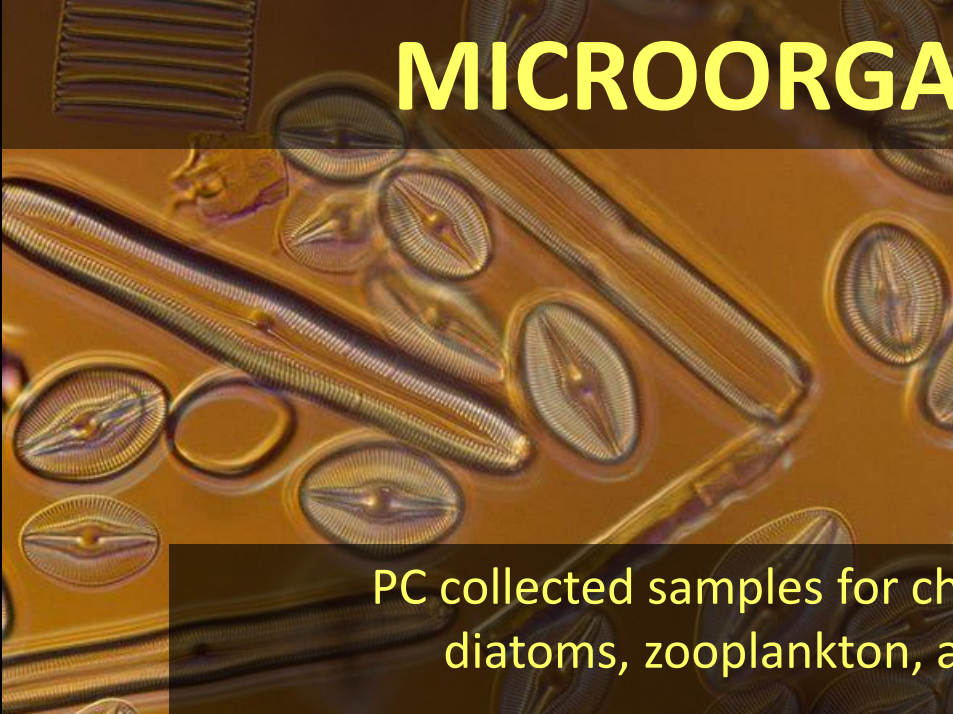
# MICROORGANISM STUDY

Use the existing pool of 197 sites to select subset

Selected 20 natural ponds,  
20 excavated ponds, and 20 stormwater basins

USGS sampled water for pH, SC, Cl, NO<sub>2</sub>+NO<sub>3</sub>, NH<sub>3</sub>,  
PO<sub>4</sub>, trace metals, and pesticides

# MICROORGANISM STUDY



PC collected samples for chlorophyll-a, phytoplankton, diatoms, zooplankton, and aquatic invertebrates



NJDEP chlorophyll-a, diatoms, aquatic invertebrates  
EcoAnalysts, Inc. consultants identified phytoplankton and zooplankton



# MICROORGANISM STUDY

A landscape photograph of a wetland area. The foreground is dominated by tall, dense grasses in shades of green and brown, growing in shallow water. In the background, a thick line of tall, dark green trees stretches across the horizon under a clear blue sky.

Currently writing final report for EPA

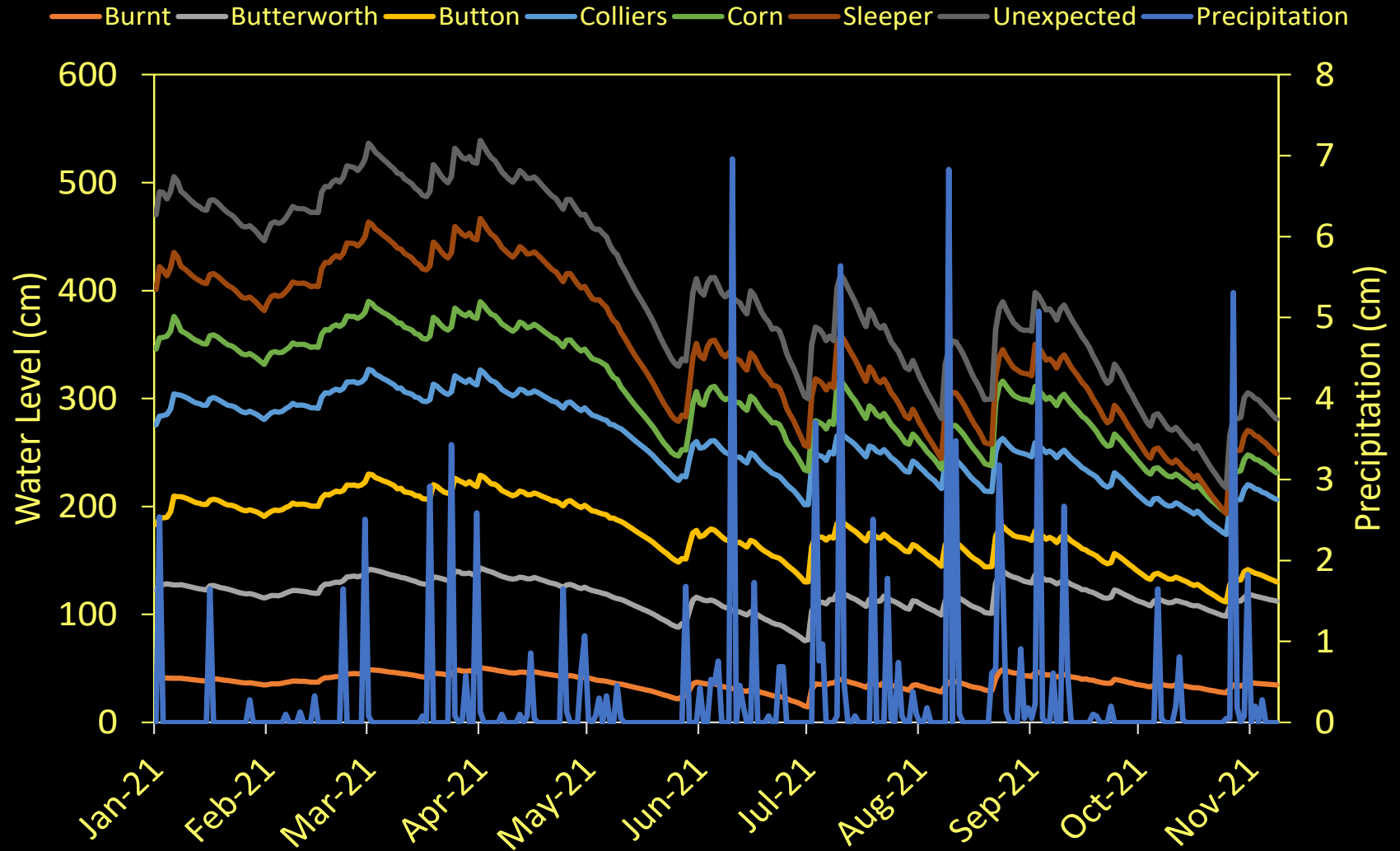
Will present the results to the PC when completed

Intend to combine vegetation, fish, and frog data from previous study with chemistry, diatoms, phytoplankton, zooplankton, and invertebrate data and write a comprehensive manuscript for publication

# WATER LEVEL MONITORING

NPS funded ongoing environmental monitoring

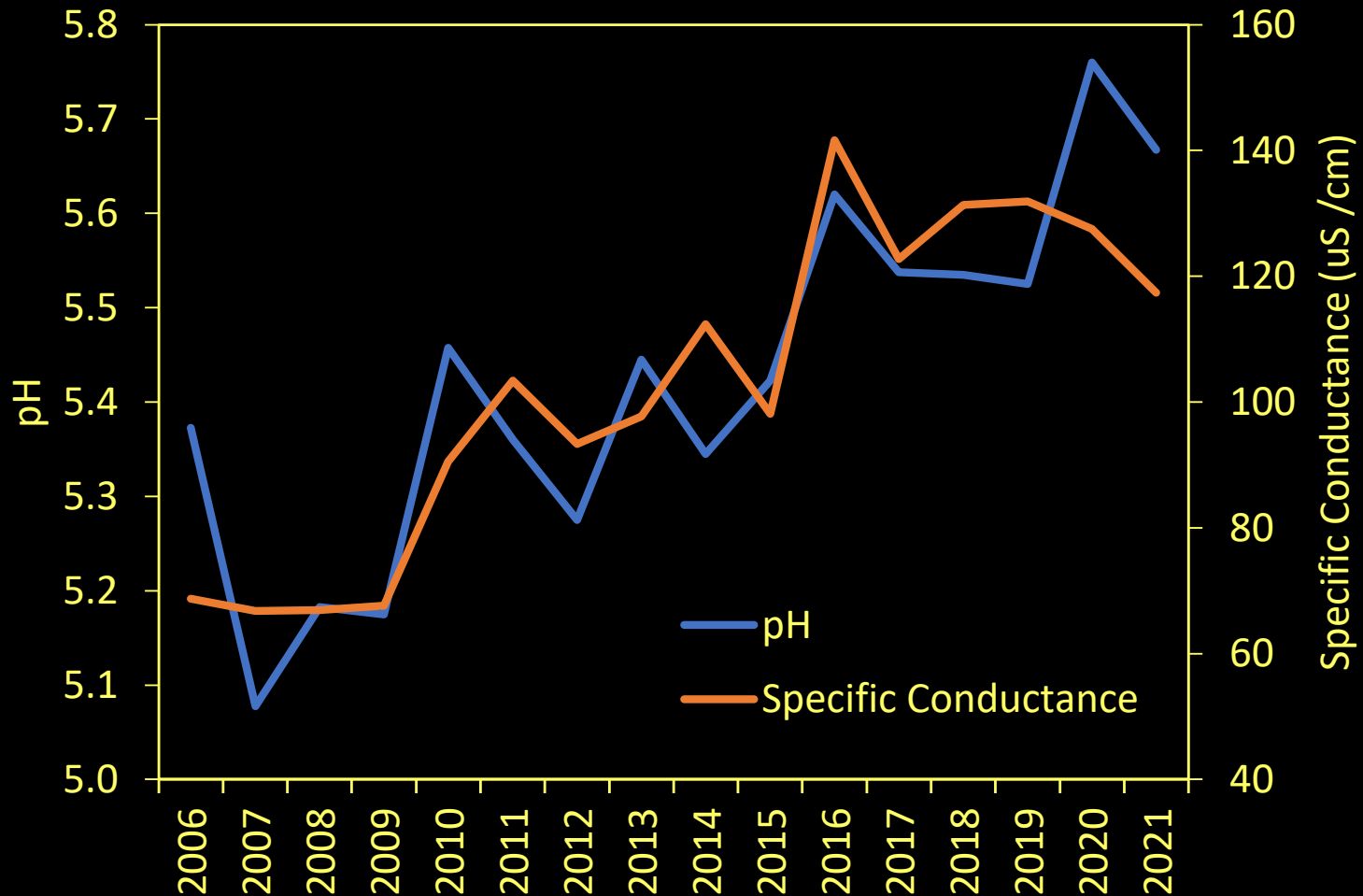
33 forest plots + 1 plot with data logger and 30 ponds + 7 ponds with data loggers



# PINELANDS WIDE WQ MONITORING

NPS funded ongoing environmental monitoring  
47 stream sites sampled in April, June, August, and October annually  
to monitor changes in pH and specific conductance

## Four Mile Branch at Lighthouse Road



# SNAKE RESEARCH



- I. Snake Genetics (PCF)
- II. Snake Fungal Disease (NPS)
- III. King Snake Study (EPA)
- IV. Joint Corn Snake Study (PCF)
- V. Long-term Snake Monitoring (NPS)

# I. CORN SNAKE & KING SNAKE GENETICS

Collaboration with  
Arcadia University,  
TCNJ, HA, ENSP,  
and PC

Sampling snakes from our  
studies and other snakes

Genetic diversity,  
population  
substructure,  
isolation

Wharton corn snakes  
are well mixed

Berkeley population  
isolated by distance

Need more outlier  
corn snake samples

Need better genetic  
markers for kings



# II. SNAKE FUNGAL DISEASE

Emerging fungal  
disease in snakes

Caused by  
*Ophidiomyces ophiodiicola* (Oo)

Rutgers and HA has been  
excavating dens for 35+ years

Collaboration between Rutgers,  
HA, USGS, and PC

Opportunity to sample  
for Oo inside dens

Pilot sampling in 2018 and  
all snakes in 2019-2021

Oo only in den soils and not  
in soil with other microbes

One journal publication,  
more to come

# III. KING SNAKE STUDY

Listed as SC for threats,  
declines, and  
unknown NJ status

2019 - 2023 EPA funded  
collaboration with PC,  
HA, and TCNJ

Transmitters in 39 kingsnakes  
20 females and 19 males

20 snakes are in winter dens

Activity range and habitat use

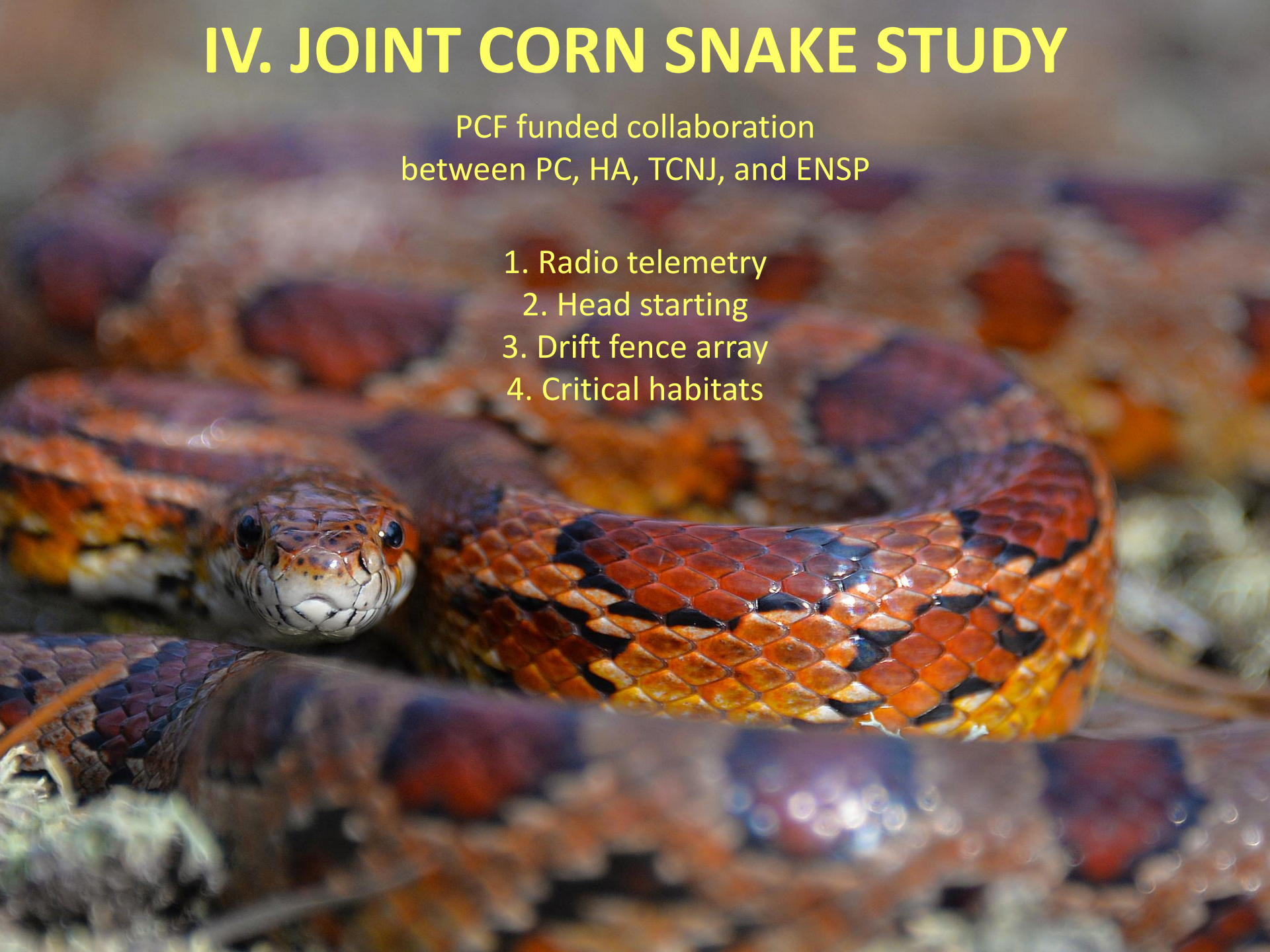
Timing of denning  
and nesting



# IV. JOINT CORN SNAKE STUDY

PCF funded collaboration  
between PC, HA, TCNJ, and ENSP

1. Radio telemetry
2. Head starting
3. Drift fence array
4. Critical habitats



# IV. JOINT CORN SNAKE STUDY

## 1. Radio telemetry

Capture snakes  
Surgically implant  
radio transmitters



# IV. JOINT CORN SNAKE STUDY

## 1. Radio telemetry



Located snakes 2 – 3x  
per week in 2017 – 2019

Environmental, habitat,  
and behavioral data

Activity range  
and habitats used

Timing of nesting, shedding,  
and denning

Location of dens, nests,  
and shed sites

Before and after  
prescribed burning

Began to analyze data

# IV. JOINT CORN SNAKE STUDY

## 2. Head started vs cold released hatchlings



Collected eggs from nest areas and hatched in the laboratory

Cold released group released back to nest area

Head started group kept over winter and fed and released following spring

# IV. JOINT CORN SNAKE STUDY

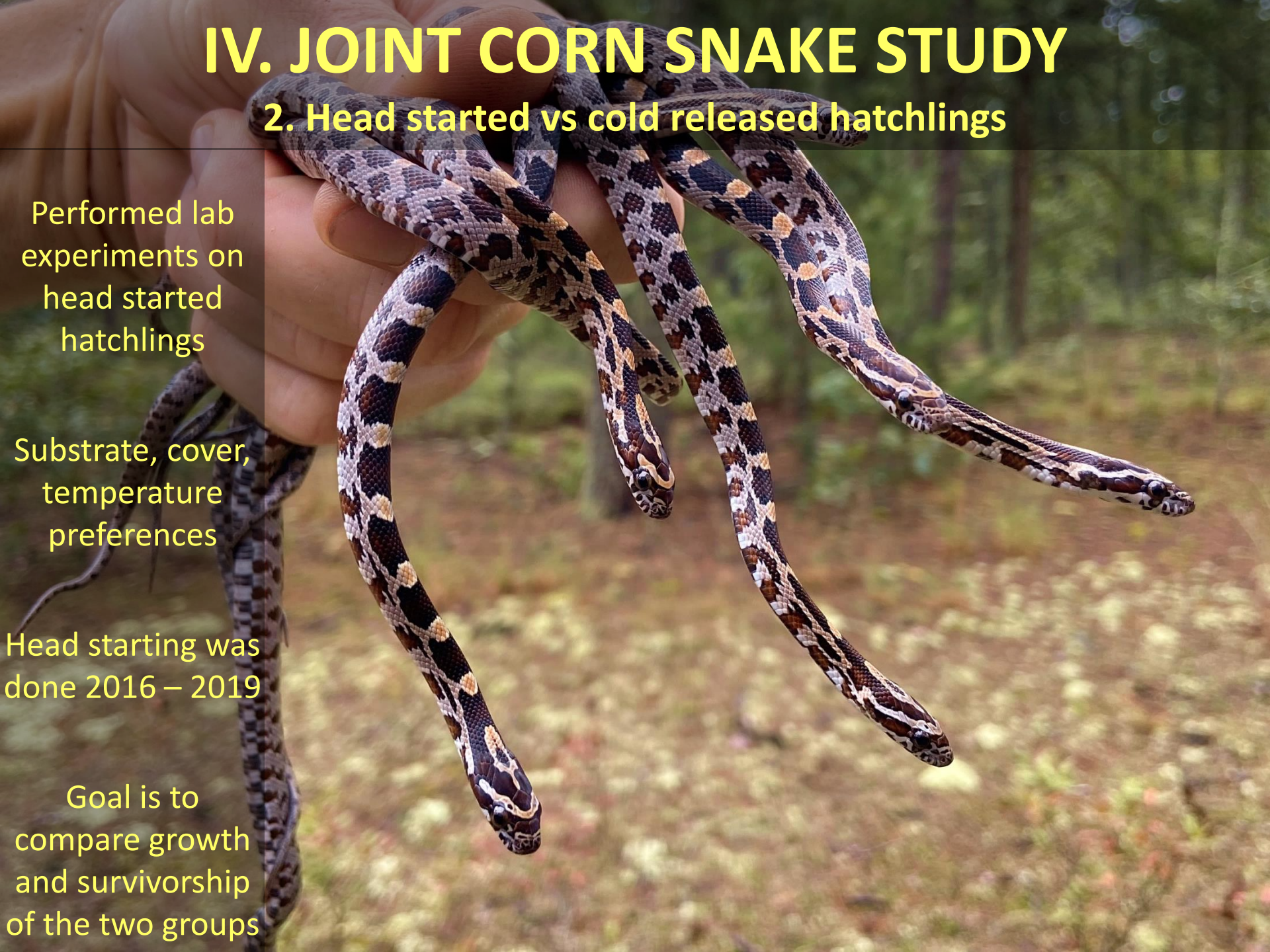
## 2. Head started vs cold released hatchlings

Performed lab experiments on head started hatchlings

Substrate, cover, temperature preferences

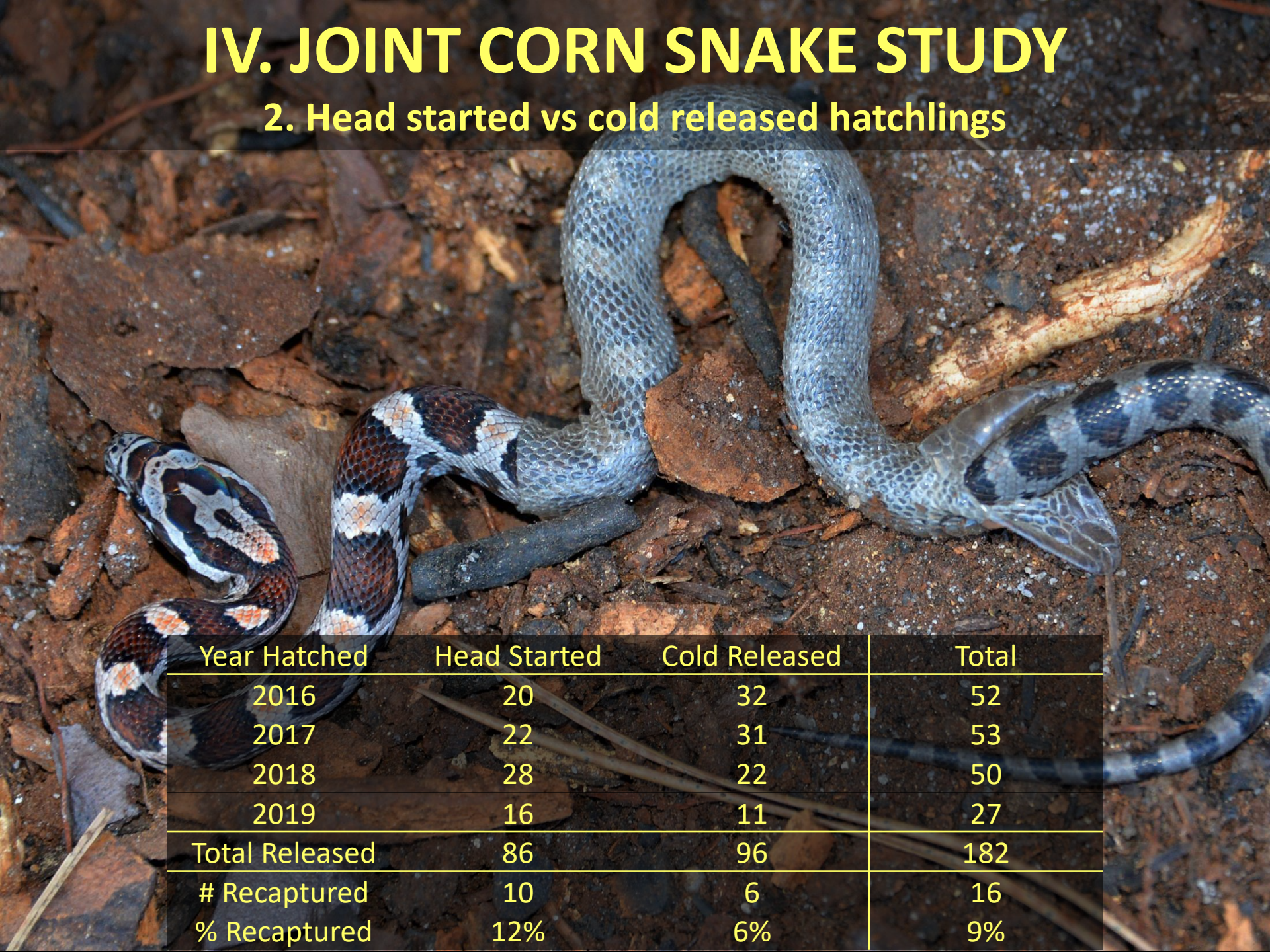
Head starting was done 2016 – 2019

Goal is to compare growth and survivorship of the two groups



# IV. JOINT CORN SNAKE STUDY

## 2. Head started vs cold released hatchlings



Year Hatched	Head Started	Cold Released	Total
2016	20	32	52
2017	22	31	53
2018	28	22	50
2019	16	11	27
Total Released	86	96	182
# Recaptured	10	6	16
% Recaptured	12%	6%	9%

# IV. JOINT CORN SNAKE STUDY

## 2. Head started vs cold released hatchlings



Two corn hatchlings moved ~1.5 miles from the nest area

# IV. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study



4 Drift fences:  
1,800 ft  
800 ft  
255x255 ft  
150x225 ft

82 box traps, 82  
plywood, 82 metal,  
added 14 pitfall traps

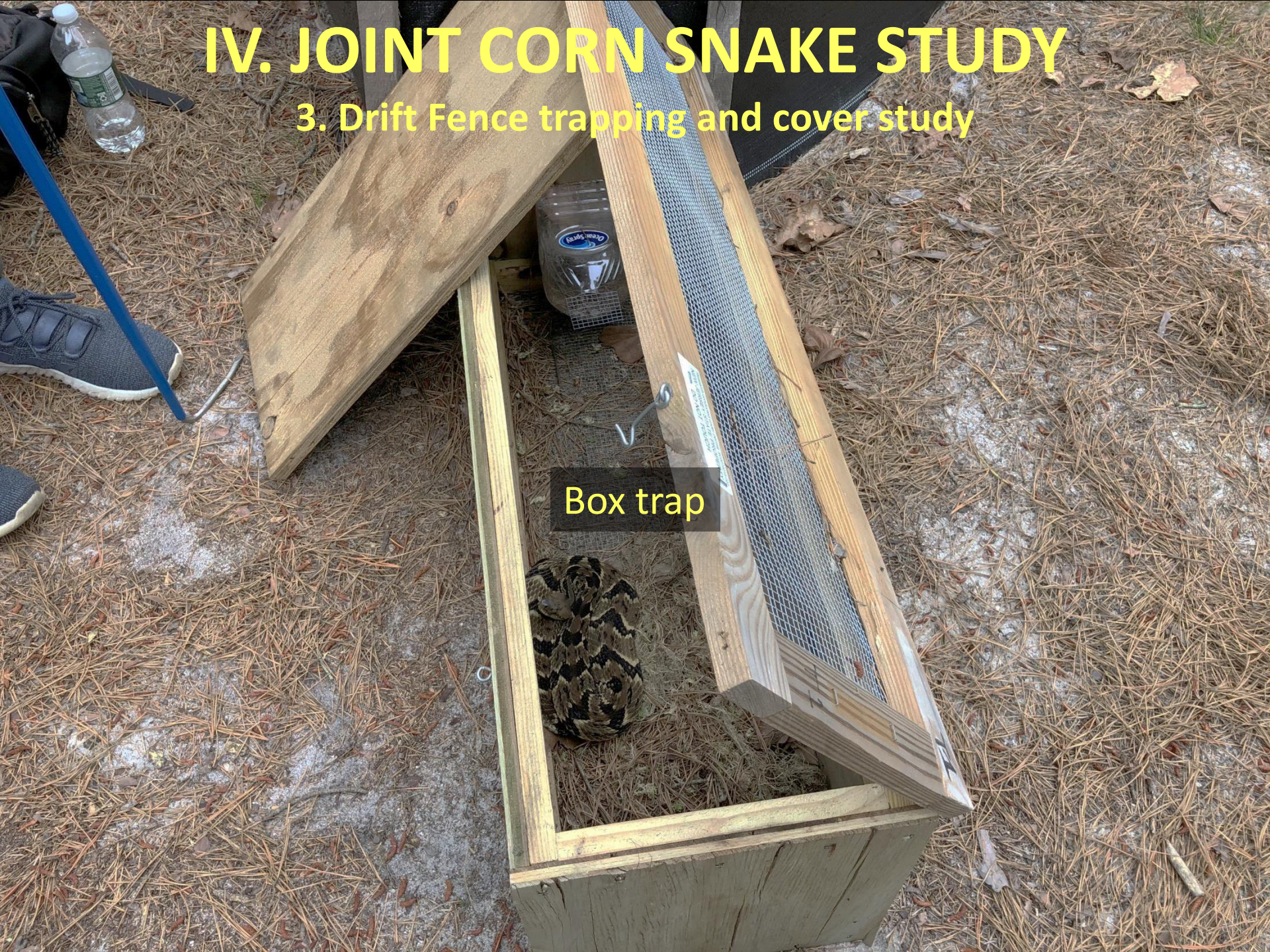
Spring – Fall  
2019 – 2022

Goal: capture  
hatchlings and assess  
survey methods

# IV. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study

Box trap



# IV. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study

Wood and metal cover associated with each box trap



# IV. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study



Added 14 pitfall traps in 2021

# IV. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study



Total of 6,186  
animals

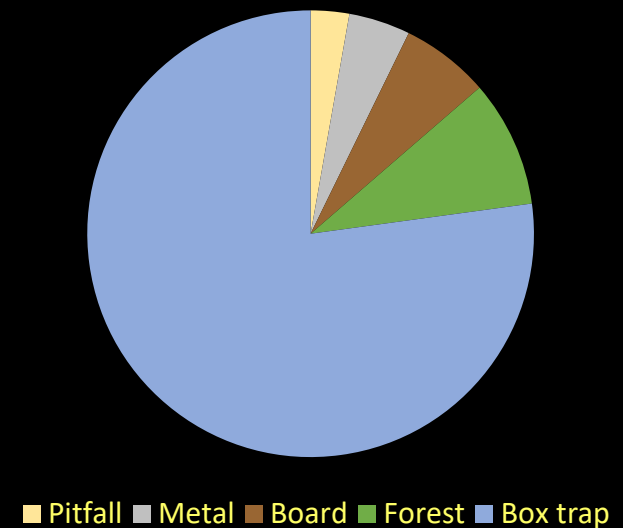
37 different  
animal species

15 species of  
snakes

# IV. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study

Species	Pitfall	Metal	Board	Forest	Box trap	Total
Eastern kingsnake	-	-	-	-	1	1
Eastern worm snake	-	1	-	-	-	1
Northern brown snake	-	-	-	-	1	1
Northern scarlet snake	-	-	-	-	1	1
Timber rattlesnake	-	1	-	-	1	2
Northern pine snake	-	-	1	-	5	6
Eastern hognose snake	-	1	-	1	7	9
Northern water snake	1	-	-	1	12	14
Eastern garter snake	-	1	-	2	13	16
Eastern ribbon snake	1	-	-	2	23	26
Rough green snake	-	-	-	18	18	36
Northern black racer	-	1	7	6	36	50
Corn snake	4	11	14	3	19	51
Southern ringneck snake	3	-	1	-	54	58
Northern redbelly snake	1	-	-	-	86	87
<b>Total</b>	<b>10</b>	<b>16</b>	<b>23</b>	<b>33</b>	<b>277</b>	<b>359</b>



# IV. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study



Tracked four corn snakes  
around the fence

The tracked corn snakes  
climbed over the fence

Moved them back and  
climbed over the fence again

# IV. JOINT CORN SNAKE STUDY

## 4. Locate critical habitats

Hibernacula

Identify dens and corral them

Snakes maintain fidelity to den or den cluster

Critical habitats are often communal

Camera monitoring network for security

# IV. JOINT CORN SNAKE STUDY

## 4. Locate critical habitats

Hibernacula



Experimental  
modified den  
corral for near  
roads

# IV. JOINT CORN SNAKE STUDY

## 4. Locate critical habitats

Shed logs and shed trees



Found  
numerous shed  
stations

11 are  
communal shed  
stations

Built 2 shed  
tree corrals

# IV. JOINT CORN SNAKE STUDY

## 4. Locate critical habitats

Nest areas

15 corn  
nest areas



# IV. JOINT CORN SNAKE STUDY

## 4. Locate critical habitats

Nest areas

4 nest areas are communal and  
used by multiple snakes

# V. LONG-TERM SNAKE MONITORING

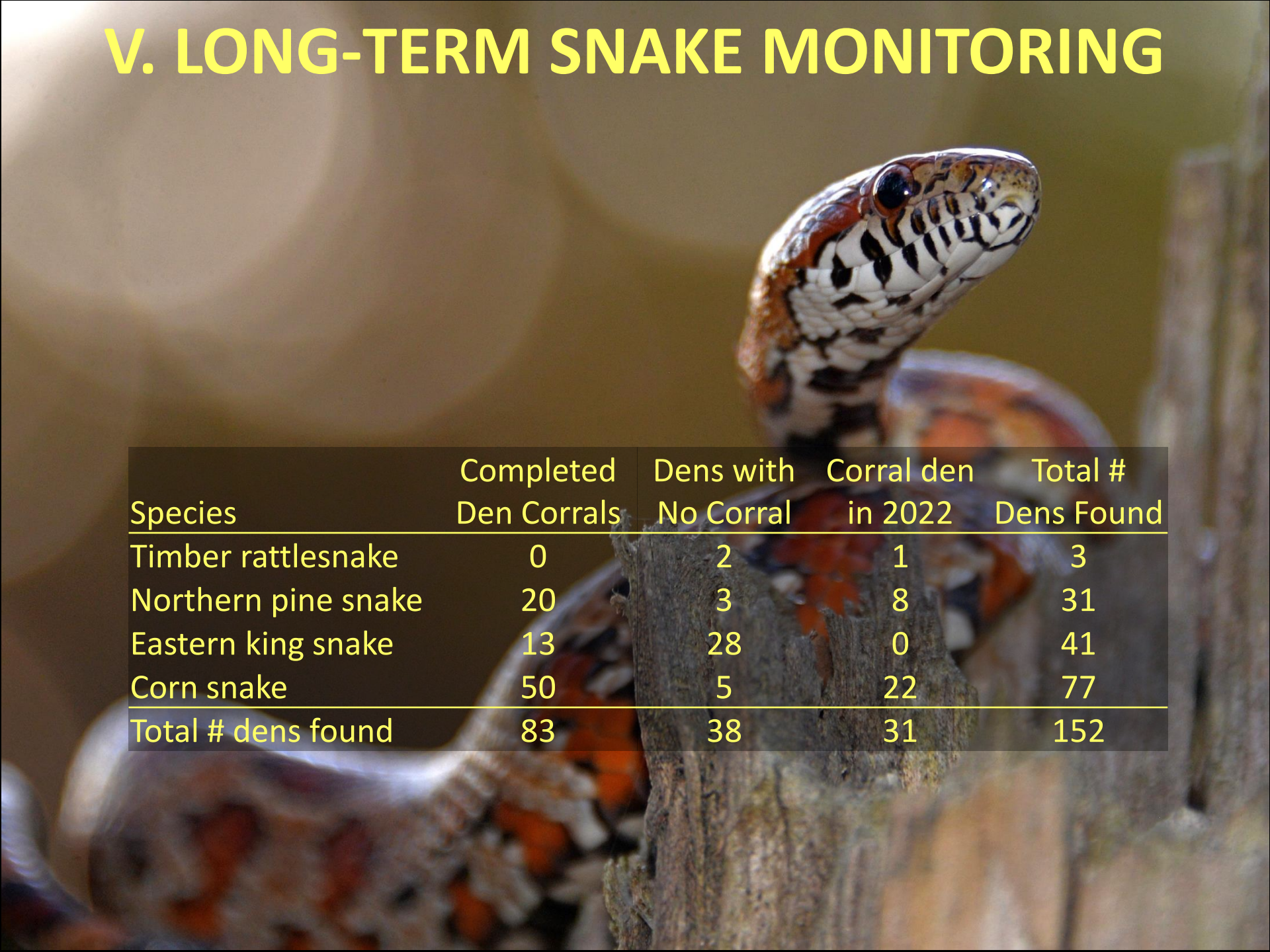


Little data exists on rare snake trends in the Pinelands

Corral is non-invasive method to census snakes

No physical disturbance to dens or hibernating snakes

# V. LONG-TERM SNAKE MONITORING



Species	Completed Den Corrals	Dens with No Corral	Corral den in 2022	Total # Dens Found
Timber rattlesnake	0	2	1	3
Northern pine snake	20	3	8	31
Eastern king snake	13	28	0	41
Corn snake	50	5	22	77
Total # dens found	83	38	31	152

# V. LONG-TERM SNAKE MONITORING

## Snakes Captured and Processed in 2021

Snake	New Snakes	Tagged Snakes	Lab Hatched	Total
Northern scarlet snake	1	-	-	1
Rough green snake	1	-	-	1
Timber rattlesnake	1	-	-	1
Eastern garter snake	6	-	-	6
Eastern hognose	16	-	-	16
Black racer	35	5	-	40
Eastern king snake	22	19	16	57
Northern pine snake	47	28	49	124
Corn snake	63	118	96	277
<b>Total</b>	<b>192</b>	<b>170</b>	<b>161</b>	<b>523</b>

Note: 30 corns, 4 pines, and 2 king were captured more than once in 2021

# BOX TURTLE STUDY

DEVELOPING RESEARCH

Listed as SC for threats, declines, and unknown NJ status

Activity range, behavior, habitat use, nesting sites, and dens

Monitor turtles in burned and unburned areas

In 2021, captured and marked 25 turtles and glued transmitters onto 20 turtles

1 killed, 1 missing



# GROUND SKINK EDNA STUDY

Collaboration with Rutgers, HA, TCNJ, and PC and funded by Rutgers

eDNA is nuclear or mitochondrial DNA shed  
by organisms into their surroundings

Sampled the underside of the wood and metal cover along the drift fence array and the soil beneath some of the cover

eDNA detection of skinks was 4–16 times greater than visual detection of skinks

Looking for funding to test eDNA techniques out on rare snakes before we deconstruct the drift fence

QUESTIONS?





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

**NO. PC4-22-** \_\_\_\_\_

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1981-2437.017)

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

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

**1981-2437.017**

<b>Applicant:</b>	<b>Atlantic County Vocational Technical School District</b>
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	February 17, 2022
Proposed Development:	Construction of a 10,240 square foot maintenance building and two approximately 5,800 square foot storage yards at the Atlantic County Institute of Technology High School.

**WHEREAS**, two approximately 5,800 square foot storage yards, concrete sidewalks and approximately 8,219 square feet of concrete pads for electrical equipment were constructed on the parcel without application to, and approval by, the 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 concerned development in this application; and

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

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting Executive Director are imposed; and

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

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1981-2437.017 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

---

Susan R. Grogan  
Acting Executive Director

---

Laura E. Matos  
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

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

February 17, 2022

Lauren Flynn, Business Administrator (via email)  
Atlantic County Vocational Technical School District  
5080 Atlantic Avenue  
Mays Landing, NJ 08330

Re: Application # 1981-2437.017  
Block 994, Lot 47  
Hamilton Township

Dear Ms. Flynn:

The Commission staff has completed its review of this application for the construction of a 10,240 square foot maintenance building at the Atlantic County Institute of Technology High School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 11, 2022 meeting.

**Two approximately 5,800 square foot storage yards, concrete sidewalks and approximately 8,219 square feet of concrete pads for electrical equipment were constructed prior to the completion of an application to the Commission. The development that occurred without completion of an application with the Commission constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. This application is to resolve the violation.**

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Hamilton Township Planning Board (via email)
- Hamilton Township Construction Code Official (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Dave Flemming (via email)
- Karen Ingram, LLA (via email)



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



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

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

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

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

February 17, 2022

Lauren Flynn, Business Administrator (via email)  
Atlantic County Vocational Technical School District  
5080 Atlantic Avenue  
Mays Landing, NJ 08330

Application No.: 1981-2437.017  
Block 994, Lot 47  
Hamilton Township

This application proposes the construction of a 10,240 square foot maintenance building at the Atlantic County Institute of Technology High School located on the above referenced 53.39 acre parcel in Hamilton Township.

Two approximately 5,800 square foot storage yards, concrete sidewalks and approximately 8,219 square feet of concrete pads for electrical equipment were constructed prior to the completion of an application to the Commission. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). This application is to resolve the violation.

### **STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

The proposed development will be located over existing impervious surfaces, maintained grassed areas and a forested area.

As required by the CMP (N.J.A.C. 7:50-6.23(a)), the proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The CMP (N.J.A.C. 7:50-6.23(b)) also provides that, where practical, all clearing, and soil disturbance associated with the proposed development shall avoid wooded areas. Approximately 0.9 acres (39,432 square feet) of oak-pine forest will be cleared to accommodate the proposed maintenance building and required stormwater management facilities. The 53.39 acre parcel is primarily developed with school buildings, parking areas and recreational fields. The applicant has indicated that the location of the proposed maintenance building was chosen to reserve remaining areas on the parcel for future 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 a seed mixture which meets 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 CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin and expanding an existing stormwater infiltration basin.

#### Water Quality Standard (N.J.A.C. 7:50-6.83)

The proposed development will be serviced by public sanitary sewer.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on December 1, 2021. Newspaper public notice was completed on December 10, 2021. The application was designated as complete on the Commission's website on January 24, 2022. The Commission's public comment period closed on February 11, 2022. No public comment was submitted to the Commission regarding this application.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of nine sheets, prepared by Marathon Engineering & Environmental Services, all sheets dated August 8, 2019 and last revised January 26, 2022.
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.

### **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.



## State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting 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 March 7, 2022 and include the following information:

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

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



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

**NO. PC4-22-\_\_\_\_\_**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-0655.033, 1987-1058.083 & 1986-1336.004)

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

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

**1984-0655.033**

<b>Applicant:</b>	<b>South Jersey Transportation Authority</b>
<b>Municipality:</b>	Egg Harbor Township Hamilton Township Town of Hammonton
<b>Management Area:</b>	Pinelands Agricultural Production Area Pinelands Forest Area Pinelands Military/Federal Installation Area Pinelands Regional Growth Area Pinelands Rural Development Area
<b>Date of Report:</b>	February 18, 2022
<b>Proposed Development:</b>	Construction of six separate electronic tolling stations within the Atlantic City Expressway right-of-way;

**1987-1058.083**

<b>Applicant:</b>	<b>South Jersey Transportation Authority</b>
<b>Municipality:</b>	Egg Harbor Township Galloway Township
<b>Management Area:</b>	Pinelands Military/Federal Installation Area
<b>Date of Report:</b>	January 28, 2022
<b>Proposed Development:</b>	Installation of four wind cones and associated development at Atlantic City International Airport; and

**1986-1336.004**

<b>Applicant:</b>	<b>Monroe Township</b>
<b>Municipality:</b>	Monroe Township
<b>Management Area:</b>	Pinelands Regional Growth Area
<b>Date of Report:</b>	February 17, 2022
<b>Proposed Development:</b>	Construction of a 17,811 square foot fire station.

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1984-0655.033, 1987-1058.083 & 1986-1336.004 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

---

Susan R. Grogan  
Acting Executive Director

---

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

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

February 18, 2022

Steve Mazur, P.E. (via email)  
South Jersey Transportation Authority  
PO Box 351  
Hammonton, NJ 08037

Re: Application # 1984-0655.033  
Atlantic City Expressway Right-of-Way  
Egg Harbor Township, Hamilton Township &  
Town of Hammonton

Dear Mr. Mazur:

The Commission staff has completed its review of this application for construction of six separate electronic tolling stations within the Atlantic City Expressway right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 11, 2022 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Egg Harbor Township Planning Board (via email)  
Egg Harbor Township Construction Code Official (via email)  
Egg Harbor Township Environmental Commission (via email)  
Secretary, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)

Secretary, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Michael Dunn (via email)



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

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

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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

February 18, 2022

Steve Mazur, P.E. (via email)  
 South Jersey Transportation Authority  
 PO Box 351  
 Hammonton, NJ 08037

Application No.: 1984-0655.033  
 Atlantic City Expressway Right-of-Way  
 Egg Harbor Township, Hamilton Township &  
 Town of Hammonton

This application proposes construction of six separate electronic tolling stations within the Atlantic City Expressway right-of-way located in the three above referenced municipalities. Two of the tolling stations will be located in Egg Harbor Township, three will be located in Hamilton Township and one will be located in the Town of Hammonton.

Each electronic tolling station will be comprised of a metal gantry spanning the east and west bound travel lanes. Each gantry span will be between 132 and 252 feet in length and approximately 28 feet high. The application also proposes a 240 square foot utility building and a parking area for maintenance vehicles at each electronic tolling station location. The parking areas range from 1,750 square feet to 3,000 square feet in size.

**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. 7:50-5.2(b), 5.23(b)15, 5.24(b)12, 5.26(b)14 & 5.28(a))

The proposed electronic tolling stations are located in a Pinelands Forest Area, a Pinelands Agricultural Production Area, a Pinelands Rural Development Area, a Pinelands Regional Growth Area and a Pinelands Military and Federal Installation Area.

The proposed electronic tolling stations are accessory structures to the Atlantic City Expressway. As an accessory structure, the proposed electronic tolling stations are a permitted land use in a Pinelands Forest Area, a Pinelands Agricultural Production Area, a Pinelands Rural Development Area and a Pinelands Regional Growth Area.

Although located completely within the Atlantic City Expressway right-of-way, a portion of one of the electronic tolling stations is located in a Pinelands Military and Federal Installation Area. With respect to permitted land use, the construction of a proposed electronic tolling station within the Atlantic City Expressway right-of-way that is also located within a Pinelands Military and Federal Installation Area is not specially addressed by the CMP. The Atlantic City Expressway was constructed prior to January 14, 1981 and the roadway may be a nonconforming use in a Pinelands Military and Federal Installation Area. The CMP (N.J.A.C. 7:50-5.2(b)) permits the expansion of any nonconforming use existing on January 14, 1981 provided the use was not abandoned subsequent to January 14, 1981; the expansion of the use is in accordance with all of the minimum standards of N.J.A.C. 7:50-6; and the area of the expansion does not exceed 50 percent of the area of the use on January 14, 1981. The portion of the electronic tolling station located in a Pinelands Military and Federal Installation Area is a permitted land use based upon the CMP (N.J.A.C. 7:50-5.2(b)).

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

There are wetlands located within 300 feet of two of the proposed electronic tolling stations. The two electronic tolling stations will be located approximately 30 feet from wetlands at their closest points. The two electronic tolling stations will be located within existing grassed shoulders.

The proposed electronic tolling stations are associated with the Atlantic City Expressway. The Atlantic City Expressway is a linear improvement. The CMP permits linear improvements in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the two electronic tolling stations that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the two proposed tolling stations will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the locations of the two proposed tolling stations located within 300 feet of wetlands are required for traffic safety. The applicant has demonstrated that the need for the two proposed tolling stations overrides the importance of protecting the wetlands buffer.

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

The proposed development will be located within existing grassed shoulders. As required by the CMP (N.J.A.C. 7:50-6.23(a)), the proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The Commission staff reviewed the application for evidence of cultural resources within the project area. Based upon the lack of potential for significant cultural resources within the project area, a cultural resource survey was not required.

## **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on January 19, 2022. The application was designated as complete on the Commission's website on February 1, 2022. The Commission's public comment period closed on February 11, 2022. No public comment was submitted to the Commission regarding this application.

## **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by WSP USA Inc., and dated as follows:  
  
Sheets EP-1, EP-2, & EP-7 - dated October 18, 2021; last revised January 14, 2021  
Sheet EP-3 - dated October 18, 2021  
Sheet EP-4 - dated October 26, 2021; last revised October 14, 2021  
Sheet EP-5 - dated January 18, 2022; last revised January 14, 2022  
Sheet EP-6 - dated November 4, 2021
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

## **CONCLUSION**

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



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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting 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 March 8, 2022 and include the following information:

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

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



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

January 28, 2022

Stephen Mazur, P.E. (via email)  
South Jersey Transportation Authority  
PO Box 351  
Hammonton, NJ 08037

Re: Application # 1987-1058.083  
Block 101, Lot 9  
Egg Harbor Township  
Block 516, Lot 13.01  
Galloway Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for installation of four wind cones and associated development at Atlantic City International Airport. The proposed wind cones will provide visual assistance to aircraft pilots to determine the direction and approximate speed of wind. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 11, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Egg Harbor Township Planning Board (via email)  
Egg Harbor Township Construction Code Official (via email)

Egg Harbor Township Environmental Commission (via email)  
Secretary, Galloway Township Planning Board (via email)  
Galloway Township Construction Code Official (via email)  
Galloway Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Niraj Lamichhane (via email)  
Rhyan Grech (via email)



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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

January 28, 2022

Stephen Mazur, P.E. (via email)  
 South Jersey Transportation Authority  
 PO Box 351  
 Hammonton, NJ 08037

Application No.: 1987-1058.083  
 Block 101, Lot 9  
 Egg Harbor Township  
 Block 516, Lot 13.01  
 Galloway Township

This application proposes installation of four wind cones and associated development at Atlantic City International Airport (ACIA) located on the above referenced 3,212 acre parcel in Egg Harbor and Galloway Townships. The proposed wind cones will provide visual assistance to aircraft pilots in determining the direction and approximate speed of wind.

There are four existing wind cones located at ACIA. The existing wind cones are located on 100 square foot concrete pads and are accessed by 12 foot wide asphalt milling roads ranging from 20 to 193 feet in length.

The existing wind cones are located within the Runway Object Free Area (ROFA). The Federal Aviation Administration (FAA) has requested that the existing wind cones be removed from the ROFA.

The application proposes the installation of four wind cones outside of the ROFA. The proposed wind cones will be located on 38 square foot concrete pads with 12 foot wide asphalt milling access roads ranging from 37 to 343 feet in length.

The applicant also proposes the removal of the four existing wind cones and the existing development associated with the existing wind cones.

**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. 7:50-5.29(a))

The Pinelands Protection Act designates the boundaries of the 938,000 acre Pinelands Area. Within the boundaries of the Pinelands Area, the Pinelands Protection Act also designates the 366,000 acre Pinelands Preservation Area and the 572,000 acre Pinelands Protection Area. The CMP then establishes Management Areas such as Regional Growth, Rural Development and Military and Federal Installation that overlay the entire Pinelands Area.

The parcel subject of this application is located in a Military and Federal Installation Management Area. The CMP permits any proposed use associated with the function of a federal installation in a Military and Federal Installation Management Area. The proposed wind cones are associated with the function of the federal installation.

The CMP also requires that, where feasible, proposed development in a Military and Federal Installation Management Area shall be located in the Pinelands Protection Area portion of the Pinelands Area. The development proposed in this application is located in the Pinelands Protection Area.

As further required by the CMP, the proposed use will not require any development in a Forest Management Area or the Preservation Area District.

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

There are wetlands located on the parcel. All development, including land disturbance, will be located greater than 300 feet from wetlands.

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

The proposed development will be located within existing paved and grassed 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 all disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

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

A September 2003 Final Environmental Impact Statement prepared by the FAA identified critical habitat for Grasshopper sparrow and Upland sandpiper at the ACIA. These species typically arrive at the ACIA in mid-April to early May and proceed to nest and rear broods through July 31. The proposed wind cones and associated development will disturb 5,423 square feet of identified critical grassland habitat for Grasshopper sparrow and Upland sandpiper at ACIA.

The application also proposes the removal of 7,161 square feet of impervious surfaces associated with the existing wind cones from within the identified critical grassland habitat for Grasshopper sparrow and Upland sandpiper. The application proposes the restoration of those areas with native grassland species suitable for Grasshopper sparrow and Upland sandpiper.

Based on the restoration of the concerned 7,161 square foot area to grassland habitat, the installation of fencing around each of the proposed wind cones, concrete pads and access roads and the below specified

condition requiring the mowing of the grasses within the four fenced areas to discourage potential nesting, the proposed development has been designed to avoid irreversible adverse impacts on habitat critical to the survival of the local populations of Grasshopper sparrow and Upland sandpiper.

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

This application proposes the removal of 7,161 square feet of impervious surfaces associated with the removal of the four existing wind cones. The development of the four proposed wind cones will result in 5,423 square feet of new impervious surfaces. The proposed development will result in a decrease of impervious surfaces by 1,738 square feet. There will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Newspaper public notice was completed on September 20, 2021. The application was designated as complete on the Commission's website on October 22, 2021. The Commission's public comment period closed on November 12, 2021. The Commission received one oral public comment regarding this application.

Oral Commenter (Rhyan Grech, Pinelands Preservation Alliance): On November 12, 2021, the commenter inquired as to whether the South Jersey Transportation Authority (SJTA) has met the timelines for accomplishing certain requirements identified in a 2004 Memorandum of Agreement (MOA) between the SJTA and the Commission, as amended in 2019. That MOA authorizes certain development projects specified in the MOA to occur at the ACIA that would not otherwise be consistent with the T&E species protection standards of the CMP. The commenter also indicated that the Commission should consider not acting on this application until the SJTA satisfies the requirements of the MOA.

Staff Response: We appreciate the commenter's continued interest in the Pinelands Area. The proposed installation of four wind cones and associated development was not one of the development projects specified in the 2004 MOA or its 2019 Amendment. The development proposed in this application requires formal application to the Commission regardless of the requirements of the MOA. For the reasons discussed in this Report, the applicant has demonstrated that the proposed development is consistent with the T&E species protection standards of the CMP.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 11 sheets, prepared by DY Consultants and dated as follows:

Sheet 1 - August 2021

Sheets 2-11 - August 31, 2021

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. If construction activity will occur between April 1 and September 30 of any year, to avoid an irreversible adverse impact on habitat critical to the survival of the local populations of Grasshopper sparrow and Upland sandpiper, the following conditions shall be met:
  - a. Prior to any construction activity, the applicant shall install fencing along the perimeter of each of the four wind cone project areas and maintain the fencing until all construction activity has been completed; and
  - b. All grasslands within the four fenced wind cone project areas shall be mowed and maintained at a height of five inches or less between April 1 and September 30 for the duration of the construction activity.

### **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.



State of New Jersey  
THE PINELANDS COMMISSION  
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NEW LISBON, NJ 08064  
(609) 894-7300  
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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
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  
Acting 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 14, 2022 and include the following information:

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

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



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

February 17, 2022

Jill McCrea, Business Administrator (via email)  
Monroe Township  
125 Virginia Ave.  
Williamstown, NJ 08094

Re: Application # 1986-1336.004  
Block 11603, Lots 6 & 7  
Monroe Township

Dear Ms. McCrea:

The Commission staff has completed its review of this application for the construction of a 17,811 square foot fire station. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 11, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Monroe Township Planning Board (via email)  
Monroe Township Construction Code Official (via email)  
Monroe Township Environmental Commission (via email)  
Secretary, Gloucester County Planning Board (via email)  
Keith Conroy, PE (via email)





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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

February 17, 2022

Jill McCrea, Business Administrator (via email)  
 Monroe Township  
 125 Virginia Ave.  
 Williamstown, NJ 08094

Application No.: 1986-1336.004  
 Block 11603, Lots 6 & 7  
 Monroe Township

This application proposes the construction of a 17,811 square foot fire station located on the above referenced 2.67 acre parcel in Monroe Township. There is an existing municipal complex building located on the parcel.

The applicant proposes to demolish an existing 7,433 square foot fire station located on the parcel. The existing fire station is less than 50 years old. The demolition of a building less than 50 years old does not require the completion of an application with the Commission.

**STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

The proposed development will be located within an existing maintained lawn area and over existing impervious surfaces.

As required by the CMP (N.J.A.C. 7:50-6.23(a)), the proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are

tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

Water Quality Standard (N.J.A.C. 7:50-6.83)

The proposed development will be serviced by public sanitary sewer.

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 CMP stormwater management standards. To meet these standards, the application proposes to construct an underground stormwater infiltration facility.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on September 25, 2020. Newspaper public notice was completed on June 25, 2021. The application was designated as complete on the Commission's website on January 7, 2022. The Commission's public comment period closed on February 11, 2022. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of ten sheets, prepared by Keith E. Conroy Engineers Inc., and dated as follows:  
  
Sheets 1-3, 8 & 9 – June 9, 2021  
Sheets 4-7 & 10 – June 9, 2021; last revised November 09, 2021
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**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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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting 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 March 7, 2022 and include the following information:

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

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



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

**NO. PC4-22-\_\_\_\_\_**

**TITLE:** Issuing an Order to Certify Ordinance 2021-10, Amending Chapter XVII (Zoning) of the Code of Tabernacle Township

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

**WHEREAS**, on September 6, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Tabernacle Township; and

**WHEREAS**, Resolution #PC4-85-51 of the Pinelands Commission specified that any amendment to Tabernacle Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-85-51 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on December 6, 2021, Tabernacle Township adopted Ordinance 2021-10, amending Chapter XVII (Zoning) of the Township's Code by rezoning nine lots from the Infill Commercial District to the Infill Residential District and one lot from the Infill Commercial District to the Preservation Area District; and

**WHEREAS**, Ordinance 2021-10 also establishes solar energy facilities as a permitted use in the Preservation Area District and adopts affiliated use standards; and

**WHEREAS**, the Pinelands Commission received an adopted copy of Ordinance 2021-10 on December 28, 2021; and

**WHEREAS**, by letter dated December 30, 2021, the Acting Executive Director notified the Township that Ordinance 2021-10 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 2021-10 was duly advertised, noticed and remotely held on February 9, 2022 at 9:30 a.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 Acting Executive Director has found that Ordinance 2021-10 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2021-10, amending Chapter XVII (Zoning) of the Code of Tabernacle Township, is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 2021-10 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2021-10 and has reviewed the Acting Executive Director's report; and

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

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

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that Ordinance 2021-10, amending Chapter XVII (Zoning) of the Code of Tabernacle Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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

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



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General Information: Info@pinelands.nj.gov  
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 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

**REPORT ON ORDINANCE 2021-10, AMENDING CHAPTER XVII (ZONING)  
 OF THE CODE OF TABERNAACLE TOWNSHIP**

February 25, 2022

Tabernacle Township  
 163 Carranza Road  
 Tabernacle, NJ 08088

**FINDINGS OF FACT**

I. Background

The Township of Tabernacle is located in the central portion of the Pinelands Area in Burlington County. Pinelands municipalities abutting Tabernacle Township include the Townships of Medford, Shamong, Southampton, Washington and Woodland, all of which are located in Burlington County.

On September 6, 1985, the Pinelands Commission fully certified the Master Plan and Land Development Ordinances of Tabernacle Township.

On December 6, 2021, Tabernacle Township adopted Ordinance 2021-10, amending Chapter XVII (Zoning) of the Township’s Code by rezoning nine lots from the Infill Commercial District to the Infill Residential District and one lot from the Infill Commercial District to the Preservation Area District. The ordinance also establishes solar energy facilities as a permitted use in the Preservation Area District and adopts related use standards. The Pinelands Commission received an adopted copy of Ordinance 2021-10 on December 28, 2021.

By letter dated December 30, 2021, the Acting Executive Director notified the Township that Ordinance 2021-10 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- \* Ordinance 2021-10, amending Chapter XVII (Zoning) of the Code of Tabernacle Township, introduced on October 25, 2021, and adopted on December 6, 2021.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan (CMP). The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

## 1. **Natural Resource Inventory**

Not applicable.

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

### ***Zoning Plan Amendments***

Ordinance 2021-10 rezones ten contiguous lots, approximately 73 acres, bounded by Forked Neck Road, Carranza Road, and Tuckerton Road (see Exhibit A). The entirety of the area is currently zoned Infill Commercial (IC) District and located in the Preservation Area District (PAD) management area. The IC District permits single family dwelling units on lots of record as of February 7, 1979 that contain at least one acre. The IC District also permits retail uses, commercial services, agricultural processing facilities, and light industrial uses on existing lots of record. The zoning changes adopted by the Ordinance 2021-10 effectively eliminate the Township's IC District in its entirety.

Nine lots (Block 1401, Lots 1, 2, 4, 5, 6.01, 6.02, 6.03, 6.04, 7), totaling approximately 14 acres, are rezoned to the Infill Residential (IR) District. The lots range in area from 0.06 acres to 6.34 acres. Four lots contain single family residential units, one lot contains a hunting club, and the remaining four lots are vacant. The IR District is an existing municipal zone within the PAD management area. It permits single family dwelling units on lots of record as of February 7, 1979 that contain at least one acre. The rezoning from IC to IR eliminates the potential development of non-residential uses otherwise permitted in the IC District. Three of the four vacant lots contain at least one acre and will continue to have the potential to develop a single-family dwelling unit provided all other CMP environmental standards are met.

The remaining lot (Block 1401, Lot 3), approximately 59 acres, is rezoned to the Township's Preservation Area (PA) District. The lot is the site of a resource extraction operation predating the CMP that continued to renew resource extraction permits in accordance with the CMP. The PA District is an existing municipal zone within the PAD management area. It permits a limited number of uses consistent with the CMP, including forestry, berry agriculture, low-intensity recreational uses, and the continuation of existing resource extraction operations.

### ***Solar Energy Facilities***

Ordinance 2021-10 expands the permitted uses in the PA District to include solar energy facilities on the parcel of a resource extraction operation. The ordinance then adopts a series of standards to govern the development of such facilities, some of which are required by the CMP and some of which are additional standards important to the municipality.

Regarding standards required by the CMP, Ordinance 2021-10 limits the siting of solar energy facilities to previously mined areas that have not yet been restored. The acquisition and

redemption of 0.25 Pinelands Development Credits (PDC) is required for every four acres of land occupied by the solar energy facility, inclusive of any required firebreak. Solar facilities and any off-site infrastructure must be located and screened to minimize visual impacts to: publicly dedicated roads and highways; existing residential dwellings on contiguous parcels; wild and scenic rivers and special scenic corridors listed in the CMP; and low-intensity recreational facilities and campgrounds. Clearing related to on-site or off-site infrastructure serving the solar energy facility is limited to that which is necessary for its operation and must avoid, where practical, wooded areas. New rights-of-way associated with infrastructure are limited to a maximum width of 20 feet unless additional width is necessary to address specific safety or reliability concerns. The area beneath the solar energy facility, within the firebreak, and any required vegetative buffers must be vegetated consistent with the CMP's vegetation standards (N.J.A.C. 7:50-6.21 et seq.). Lastly, solar energy facilities are required to be decommissioned within 12 months of the cessation of their utilization including the removal of all energy facilities, structures, and equipment and the restoration of the parcel in accordance with the CMP. Therefore, once the solar energy facility is decommissioned, the parcel will be fully restored.

Regarding additional standards not required by the CMP, Ordinance 2021-10 limits the extent of any solar energy facility to a maximum of 25 acres, inclusive of any required fire break. The remainder of the parcel must be permanently preserved through deed restriction. Future use of the deed restricted area must be limited to berry agriculture, horticulture of native Pinelands plants, forestry, beekeeping, fish and wildlife management, and low intensity recreational uses. No maintenance or removal of trees is permitted to be performed in the deed restricted area as part of the construction or operation of the solar energy facility. Solar panels and inverters must be setback a minimum of 100 feet and 150 feet from the property line, respectively. Solar facilities must also be enclosed by a fence between 7 and 9 feet in height and surrounded by a 50-foot fire break.

A review of the Commission's records indicates that one of the lots rezoned by Ordinance 2021-10 (Block 1401, Lot 3) is the only resource extraction site in Tabernacle Township's PAD that received permits to continue extraction after 1981. Commission staff are not aware of any other resource extraction sites in the PAD management area. Therefore, Ordinance 2021-10 likely provides an opportunity for the development of only one new solar energy facility in the Township's PA District.

The CMP permits the siting of solar energy facilities in the PAD management area on the parcel of a resource extraction operation, provided the facility is limited to previously mined areas not under an obligation to be restored (N.J.A.C. 7:50-5.36(b)). This restoration obligation applies to resource extraction operations within the Pinelands Area active on or after January 14, 1981 upon the cessation of mining activities. The resource extraction operation located on Block 1401, Lot 3 is under such a restoration obligation, which eliminates the parcel's eligibility for development of a solar energy facility based on the standards set forth at N.J.A.C. 7:50-5.36(b).

The Township has elected to provide an opportunity to site a solar facility on this parcel by allowing lands to be used that would normally be ineligible due to the mining restoration obligation. This does not automatically render Ordinance 2021-10 inconsistent with the CMP. Pinelands municipalities have the ability to refine the various standards and provisions of the CMP and tailor them to local conditions, provided CMP goals and objectives continue to be achieved. In this case, Tabernacle Township has chosen to adopt an ordinance that provides a

greater opportunity for development of solar energy facilities while at the same time curtailing other nonresidential development potential in the PAD and correcting a long-standing zoning inconsistency with the CMP. As detailed above, the Township's ordinance also incorporates all other CMP solar energy facility standards (N.J.A.C. 7:50-5.36) and includes additional standards that go beyond what the CMP requires.

A strict interpretation of the CMP would not permit a principal solar energy facility on Block 1401, Lot 3. However, the wide range of nonresidential uses that are permitted on this parcel and in the remainder of the IC District under the Township's currently certified zoning plan must be taken into consideration. As noted above, the IC District permits retail uses, commercial services, agricultural processing facilities, and light industrial uses. None of these uses are permitted in the Preservation Area District and none will be permitted following the rezoning adopted by Ordinance 2021-10. The IC District was certified by the Pinelands Commission in 1985 during the Township's initial certification process. At that time, the CMP did not expressly permit the creation of infill areas in the PAD management area. However, in a limited number of municipalities, the Pinelands Commission allowed for the creation of infill areas through the municipal conformance process, as a way of recognizing existing development and lot tenure patterns within the PAD management area. The CMP was subsequently amended in 1987 to provide municipalities with the option of establishing infill residential and commercial districts provided that certain criteria were met (N.J.A.C. 7:50-5.22(b)7).

As it currently exists, Tabernacle Township's IC District does not meet CMP standards for the establishment of a commercial infill district. The CMP specifies that infill area boundaries are to be drawn so as to include existing developed areas and exclude extensive amounts of adjoining vacant land. Including the entirety of a 59-acre parcel would not be permitted. Furthermore, although the CMP does provide municipalities with the ability to permit commercial uses within their infill areas, such uses must be limited to those specific portions of an infill area that are predominantly occupied by existing commercial uses. Given the lack of commercial uses in the vicinity of Tabernacle's IC District, a commercial infill district would not be permitted. However, the Commission certified the IC District in 1985 prior to the adoption of these standards, and this 59-acre parcel has continued to have significant commercial development potential since that time. This commercial development potential has discouraged full restoration of the parcel as the landowner has pursued a variety of development proposals for the parcel based on the permitted uses in the IC District.

Elimination of the IC District and rezoning the 59-acre parcel to the PA District resolves a long-standing infill zone that was not consistent with the CMP's infill area standards. The zoning change eliminates the commercial development potential previously associated with these lands. Coupled with the land preservation requirements adopted by Ordinance 2021-10 for solar energy facilities, and the restoration requirements that will be triggered when any solar facility ceases to be utilized, the CMP's goals for the PAD and the development of solar energy facilities are met. Ordinance 2021-10 represents an appropriate exercise of municipal flexibility, one that meets the objectives of the CMP.

Ordinance 2021-10 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

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

Not applicable.

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

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

In accordance with N.J.A.C. 7:50-5.36(b)3, solar energy facilities located within the PAD management area must acquire and redeem 0.25 Pinelands Development Credits (PDC) for every four acres of land occupied by the solar energy facility, unless the solar energy facility is proposed as part of a comprehensive application for landfill closure or site remediation. Ordinance 2021-10 establishes solar energy facilities as a permitted use in the Township's PA District and incorporates this PDC requirement.

This standard for certification is met.

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

Not applicable.

**10. General Conformance Requirements**

Ordinance 2021-10 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance 2021-10 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

Four of the lots being rezoned by Ordinance 2021-10 (Block 1401, Lots 1, 3, 6.02, 7) are adjacent to the Township's border with Shamong Township. The adjacent lands in Shamong Township are located in the PAD management area. Lots 1 and 7 in Tabernacle Township contain existing uses (a hunting club and a single-family dwelling), while lot 6.02 is vacant and would be limited in the future to the development of a single-family dwelling unit. Lot 3 contains the greatest development potential given its size, but the ordinance eliminates a number of intensive uses that could have posed significant intermunicipal conflict. While the ordinance would enable the development of a solar energy facility on this site, a number of ordinance standards described above related to setbacks, vegetative buffers and land preservation should mitigate any significant intermunicipal conflicts. Therefore, this standard for certification is met.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Tabernacle Township's application for certification of Ordinance 2021-10 was duly advertised, noticed and held on February 9, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 2021-10 were accepted through February 11, 2022. Comment was received from the following individual:

- Rhyan Grech, Policy Advocate, Pinelands Preservation Alliance (see Exhibit B)

**ACTING EXECUTIVE DIRECTOR'S RESPONSE**

Ms. Grech has correctly noted that the provisions of Ordinance 2021-10 conflict with the CMP's solar energy facility provisions. Section 2 of this report fully reflects that fact. The Acting Executive Director agrees that the standards adopted by Ordinance 2021-10 do not match what a strict interpretation of what the CMP would call for. However, the CMP does provide municipalities with the ability to structure their zoning plans in a way that recognizes municipal objectives and local circumstances while still achieving the overall objectives of the CMP.

Ms. Grech is also correct to identify the resource extraction operation being rezoned as a motivating factor for the Township's adoption of this ordinance. It may well be that although the ordinance theoretically affects all properties in the PA District, it primarily benefits one private property owner. Given the unique circumstances of that property, this is not necessarily an inappropriate result. In addition, although a new opportunity for development of solar energy facilities is being provided, existing opportunities for development of a much broader range of commercial uses are being eliminated. The elimination of the IC District and its significant commercial development potential must be considered when evaluating the impacts of Ordinance 2021-10. The Township's IC District has been of significant concern to Commission staff for many years because of the wide variety of intensive commercial uses that could have been developed on the 59-acre parcel. The Commission amended the CMP many years ago to avoid future instances of such permissive infill zones being established in the Preservation Area District. Ordinance 2021-10 may provide a benefit to one property owner by facilitating development of a solar energy facility, but it also benefits the Pinelands Preservation Area District as a whole by implementing additional land preservation requirements and eliminating the potential for commercial uses incompatible with CMP goals for this most environmentally sensitive management area.

Ms. Grech is also correct in noting that the resource extraction operation on Block 1401, Lot 6.02 is under a restoration obligation that has not been completed. However, we disagree that this ordinance would waive the restoration obligation for this parcel. In fact, the ordinance eliminates the existing commercial development potential that has for decades served to disincentivize full restoration of the parcel. If a solar energy facility is developed on this site, the ordinance offers far greater protection than under the current zoning. It would at minimum require the permanent preservation of 34 acres on the site. Furthermore, the restoration requirements included in the ordinance as part of the decommissioning of a solar energy facility provide additional restoration obligations on top of those associated with resource extraction. In sum, we expect that the ordinance will garner greater likelihood of the site being fully restored in the future.

### **CONCLUSION**







Based on the Findings of Fact provided above, the Acting Executive Director has concluded that Ordinance 2021-10 complies with the Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Ordinance 2021-10 of Tabernacle Township.

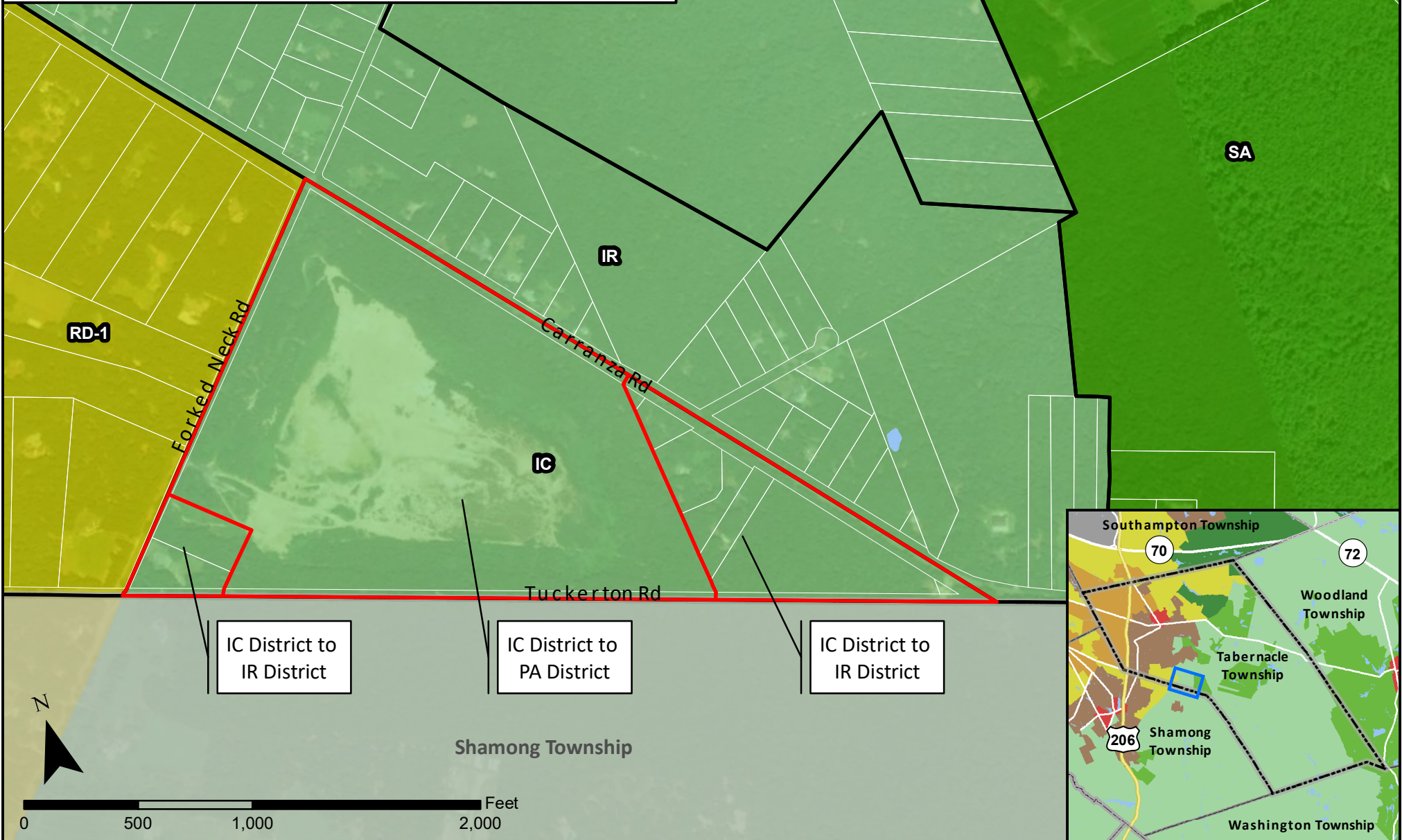
SRG/DBL/CTA  
Attachments

# Tabernacle Township Ordinance 2021-10

Executive Director's Report  
Tabernacle Ordinance 2021-10  
Exhibit A  
2/25/2022

## Pinelands Management Areas

-  Preservation Area District
-  Special Ag Production Area
-  Rural Development Area
-  Proposed Zoning Changes
-  Existing Zoning
-  Tabernacle Twp Lots





## PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088  
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

February 11, 2022

Susan Grogan, Acting Executive Director  
New Jersey Pinelands Commission  
15 Springfield Rd  
New Lisbon, NJ 08068

### Re: Tabernacle Township Ordinance No. 2021-10

Dear Director Grogan,

I am writing on behalf of Pinelands Preservation Alliance with comments on ordinance 2021-10 adopted by Tabernacle Township, which enacted zoning changes and addressed solar facilities on the affected parcels. The ordinance as written is not in compliance with the Pinelands Comprehensive Management Plan (CMP).

The ordinance states that in the Preservation Area, a solar energy facility is permitted on a parcel previously used by a resource extraction operation if “[t]he facility shall be limited to those portions of the parcel comprised of previously mined areas **that have not subsequently been restored**” (emphasis added). By contrast, the CMP states that solar is only permitted “[o]n the parcel of a resource extraction operation, provided the facility is limited to those portions of the parcel comprised of previously mined areas **that are not under an obligation to be restored** pursuant to N.J.A.C. 7:50-6, Part VI” (emphasis added). These are two different standards that may be in conflict with one another, and the Tabernacle parcel in question is one of those examples.

As reported by the [Pine Barrens Tribune](#)<sup>1</sup>, the current restoration obligations of the resource extraction facility have not been met. The Tabernacle Township engineer, Joseph Gray of CME Associates, confirmed that five remediation actions have not taken place, including “regrading of the pit and berm walls in accordance with approved plans (restore tire tracks; seed and stabilize berm walls), installing plantings (on berm walls) as shown on approved plans [from 2003], installing berm blocks as shown on approved plans (to prevent access from any additional roads that lead into the mine area), removing all facilities and equipment (a weigh station is said to be the lone remaining building), ... as well as all unstable areas need to be stabilized.”

If allowed to move forward, this ordinance would serve to not only waive the restoration requirement of the CMP for this particular entity with no further obligations, but also to financially reward the failure to meet those requirements by allowing the construction of a new, revenue-generating facility.

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<sup>1</sup> <https://pinebarrentribune.com/zoning-changes-approved-that-allow-for-solar-project-at-gravel-pit-in-taber-p4528-165.htm?fbclid=IwAR3nntk5UdbNR9Q7KqPluWGz30x0WqcTZ1KfJooVYd5FOB21YsRSq67drT0>

The sole motivator of this ordinance is clearly a proposed solar development by CS Energy, which has already submitted application materials to the Pinelands Commission. Zoning changes to benefit one particular non-conforming development are not appropriate, especially if those changes directly benefit and reward a landowner for their violation of Pinelands regulations. I urge the Commission to reject this ordinance.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Rhyan Grech". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rhyan Grech  
Policy Advocate



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-22-\_\_\_\_\_

**TITLE:** To Approve the Pinelands Commission’s 2021 Annual Report

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

**WHEREAS**, in September 2006, then Governor Corzine issued Executive Order #37; and

**WHEREAS**, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

**WHEREAS**, the report shall set forth the significant actions of the Commission; and

**WHEREAS**, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined every year since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; 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 attached 2021 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's website.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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

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



**2021 Annual Report**  
New Jersey Pinelands Commission

# Protecting the New Jersey Pinelands

The New Jersey Pinelands Commission is an independent state agency whose mission is to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose.

The Commission was created by the passage of the Pinelands Protection Act in 1979.

To accomplish its mission, the Commission implements a comprehensive plan that guides land use, development and natural resource protection programs in the 938,000-acre Pinelands Area of southern New Jersey. The Commission's 15-member board consists of state, county and federal appointees who volunteer their time and expertise. The panel meets monthly and receives guidance from its Executive Director and staff.



**Above:** The Pinelands is home to vast forests, farms and towns that cover portions of seven counties in southern New Jersey. Photo/Paul Leakan

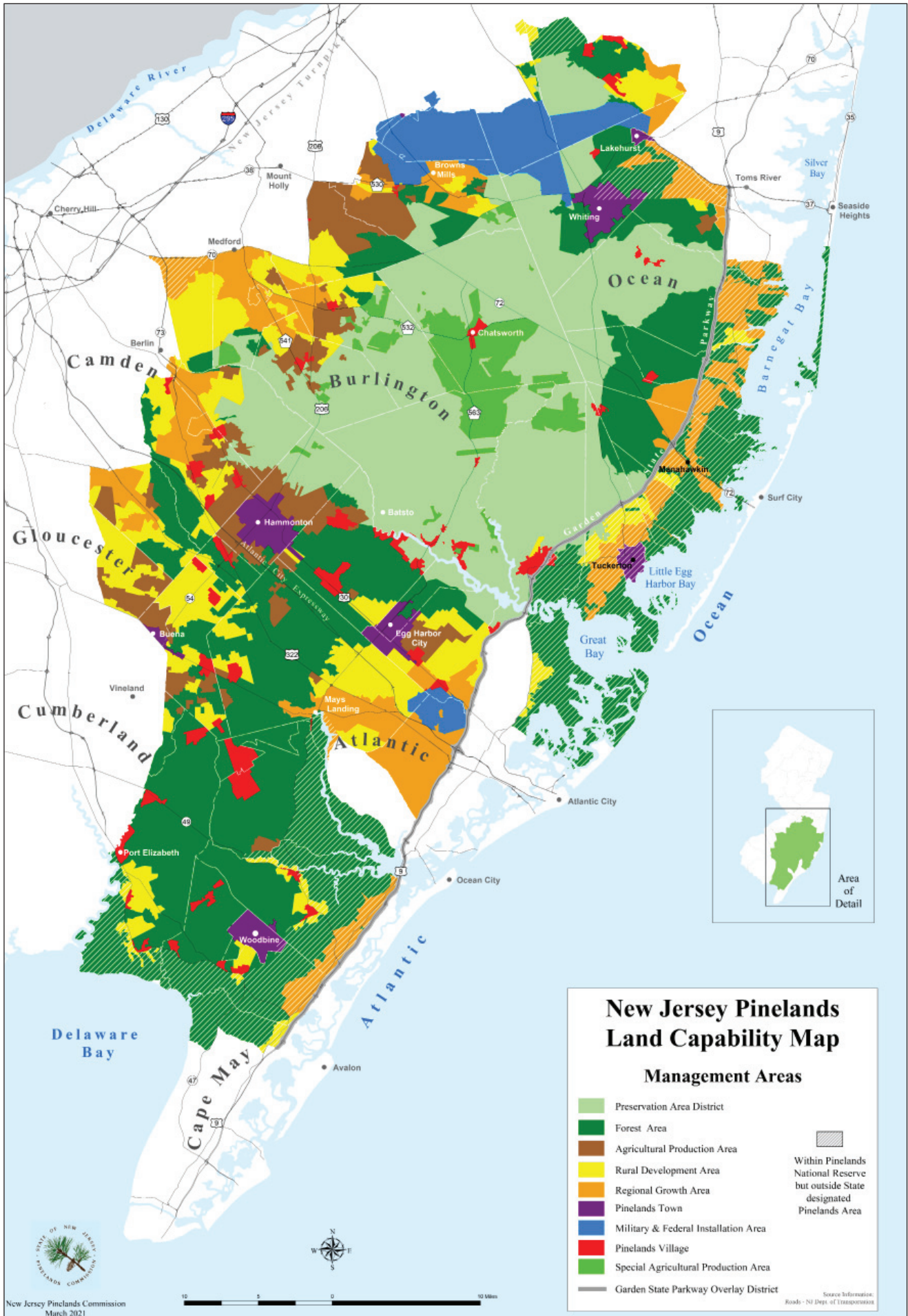
## Commissioners:

Richard H. Prickett, Chairman  
Alan W. Avery, Jr., Vice Chairman  
Daniel Christy  
D'Arcy Rohan Green  
Shannon Higginbotham  
Jordan P. Howell (January - August)  
Jerome H. Irick  
Jane Jannarone  
Edward Lloyd  
Mark S. Lohbauer  
Jonathan Meade (December)  
William Pikolycky  
Gary Quinn

Susan R. Grogan, Acting Executive Director

Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064  
Phone: (609) 894-7300  
Fax: (609) 894-7330  
Website: [www.nj.gov/pinelands](http://www.nj.gov/pinelands)





# Acting Executive Director's Message

The Pinelands Commission faced extraordinary challenges in 2021.

Our Executive Director, Nancy Wittenberg, passed away on June 24th. And there were the difficulties of continuing to undertake our complex and vital work amid the ongoing COVID-19 pandemic.

But the Commission and its staff rose to the occasion, thanks to equal parts dedication, perseverance and creativity.

After following a hybrid remote schedule for several months, the staff returned to the office on a full-time basis in October. With our offices still closed to the public, we continued to harness the power of technology to accomplish all facets of our work. Development applications and municipal ordinances continue to be received and processed via e-mail. Staff also encouraged the public to use the interactive Pinelands map on our website to help guide development proposals. All of our meetings were held virtually, and we hosted 28 educational webinars and the first-ever, virtual Pinelands Short Course. We made full use of our social media sites, launching a new Twitter page and sharing numerous Instagram posts to raise awareness and appreciation for the Pinelands.

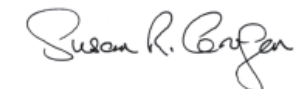
Our staff continued to conduct site visits for development proposals and complete the fieldwork necessary to gather data and carry out numerous scientific research projects.

The Commission also took important steps to better protect Pinelands resources and help address the impacts of climate change. In November, the Commission authorized the participation of four new advanced wastewater technologies in the agency's Alternate Design Treatment Systems Pilot Program. The program tests high-performance wastewater treatment systems that better protect the Pinelands environment by reducing the levels of nitrogen that enter groundwater. In December, the Commission adopted new rules that require the use of green infrastructure and other more stringent standards to manage stormwater. Meanwhile, the Pinelands Climate Committee met seven times in 2021, hosting presentations from a variety of experts and laying the foundation for future decisions aimed at mitigating climate change impacts.

Meanwhile, the Commission continued to administer the increasingly active Pinelands Development Credit Program and successfully garnered the National Scenic Byway designation for the Pine Barrens Byway.

In the midst of these challenges, we found time to celebrate the 40th anniversary of the Pinelands Comprehensive Management Plan.

I am proud of all that was accomplished in 2021, despite the challenges. I am also confident about our ability to continue to preserve, protect and enhance this special part of New Jersey.



Susan R. Grogan  
Acting Executive  
Director



**Above:** The sun rising above Wharton State Forest in the Pinelands Area, as photographed in November 2021. Photo/Paul Leakan

# In Memoriam: Nancy Wittenberg and Jay Mounier

2021 was a difficult year for the Pinelands Commission, as the agency’s mourned the passing of Executive Director Nancy Wittenberg and former Commissioner Jay Mounier.

Ms. Wittenberg passed away on June 24th, while Mr. Mounier died on November 24th.

“Nancy had a long and accomplished career in public service,” said Commission Vice Chairman Alan W. Avery, Jr. “Her leadership and personal commitment as Executive Director have left the Commission and its staff in a strong position to continue the Commission’s mission to protect and manage the Pinelands.”

Ms. Wittenberg had served as the Commission’s Executive Director since January 3, 2011. During her tenure, the Commission:

- Completed an in-depth review of the Pinelands Comprehensive Management Plan (CMP), which contains the rules that govern land-use, development and the protection of resources in the Pinelands. This included the formation of a Plan Review Committee that gathered comments from the public and provided a forum for discussing measures aimed at strengthening the CMP. It also included the issuance of a 183-page report that includes recommendations for future changes to the Plan;
- Adopted five sets of amendments to the Pinelands Comprehensive Management Plan;
- Permanently preserved approximately 8,300 acres of land in the Pinelands by providing grants through the Commission’s Pinelands Conservation Fund;
- Formed several Committees to address important topics, such as climate change, agriculture and the agency’s process to consider Memorandums of Agreement;
- Undertook several initiatives aimed at curbing the damages wrought by illegal, off-road vehicle use, including the adoption of a resolution pertaining to roads for motor vehicle use in Wharton State Forest and helping to identify ponds that are vulnerable to damages and have been protected through the installation of wooden barriers;
- Successfully completed a report that enabled the Pinelands National Reserve to maintain its status as an International Biosphere Region, as designated by United Nations Educational, Scientific and Cultural Organization (UNESCO);
- Assumed the administration of the Pinelands Development Credit Bank, which is the processing agency for one of the oldest and most successful transfer of development rights programs in the world;



**Above:** Nancy Wittenberg, pictured on the right, had served as the Commission’s Executive Director since January 3, 2011. She passed away on June 24, 2021. Photo/Paul Leakan

- Completed and/or launched numerous scientific studies, including several ongoing research projects on rare snakes;
- Installed, dedicated and opened the Candace McKee Ashmun Pinelands Education Exhibit, which features more than 400 square feet of displays that will be used to raise awareness and appreciation of the Pinelands for decades to come; and
- Overhauled the agency’s website so that is easier to navigate and to provide the public with far greater access to Commission documents, such as resolutions, meeting minutes, development application information, and links to livestreamed Commission meetings.

Mr. Mounier was a longtime resident of Franklin Township in Gloucester County, and he served as a gubernatorial appointee on the Commission from January 1995 to December 2002. He was a member of the Pinelands Agricultural Advisory Committee and served as its Chairman from 2000-2002. He was also a mainstay at Commission meetings for nearly two decades after his term as a Commissioner ended.

Mr. Mounier operated a hay and livestock farm in Franklinville. He previously served on the Franklin Township Environmental Commission and the Franklin Township Planning Board. Mr. Mounier also served as a Trustee and Treasurer of the South Jersey Land Trust, and he was a founding member of the South Jersey Astronomy Club and the Upper Maurice River Watershed Association. He was a hobbyist beekeeper and was the former President of the South Jersey Beekeepers Association. He held a degree in mechanical engineering from Lehigh University.



**Above:** The late John C. Stokes (left), who served as the Commission’s Executive Director from April 2003 to January 2011, shakes hands with the late Jay Mounier.

Mr. Mounier’s colleagues said he was a highly intelligent and effective voice for agriculture in the Pinelands.

“He was a true friend of agriculture and the Pinelands,” said Paul E. Galletta, who served on the Pinelands Commission from 2007 to 2019. “He was deeply concerned with the protection of both. He was a personal friend and one of the smartest men I ever met in my life. He was almost encyclopedic with almost any topic you could recite. I believe not only the Pinelands and the agricultural community will miss him deeply, but a lot of friends also.”

“I was most impressed over the years with his incredible intellect and patience to read the volume of material that we received (as Commissioners),” said Stephen V. Lee III, who served on the Commission from 1982 to 2010. “... I could always count on Jay for finding something in the record that might be worth raising a question (about) at a Commission meeting.”

# Celebrating 40 Years of the Pinelands Comprehensive Management Plan

The Pinelands Comprehensive Management Plan (or CMP) turned 40 on January 14, 2021, and the Commission marked the milestone by creating and sharing videos, informative social media posts and informative e-mails each day for more than three months.

The celebration kicked off with a “Roundtable Reflection” video that featured a discussion with Commission members and staff who wrote, adopted or implemented the CMP, which guides land-use, development and the protection of resources in the state Pinelands Area. The nine participants reflected on their experiences in writing the 500-page plan amid a daunting deadline and without the benefit of computers or mapping programs. The information campaign continued with individual video interviews of former Commissioners and staff. The video interviews have been archived on the Commission’s YouTube Channel ([https://www.youtube.com/](https://www.youtube.com/channel/UCBgpC8sbR3Acryo7ppxs3Uw)

[channel/UCBgpC8sbR3Acryo7ppxs3Uw](https://www.youtube.com/channel/UCBgpC8sbR3Acryo7ppxs3Uw)).

Staff researched, wrote and shared 125 posts on the agency’s Instagram site, Facebook page and through the agency’s Pinelands News Alert e-mail mailing list on 60 consecutive workdays, along with 463 photos and 26 videos, as part of the celebration. The videos and the posts chart the history, purpose, implementation and success of the CMP, and they include spotlights on all nine Pinelands Management Areas, plant and animal species that benefit from Pinelands protection, the Pinelands Development Credit program, and the Pinelands Conservation Fund, as well as features on the work of the agency’s Planning, Regulatory Programs, Science and Communications offices.

The information campaign concluded with a newly created, 40-minute video of various footage that staff has filmed in the Pinelands in recent years.



**Above:** Two former Commissioners and seven former Commission staff members who wrote the Pinelands CMP 40 years ago participated in a virtual “Roundtable Reflection” on the success of the plan as part of a months-long celebration.

# Planning Activities

## Amendments to the Pinelands Comprehensive Management Plan

In 2021, the Commission adopted new rules that will better protect Pinelands resources by requiring the use of green infrastructure and other more stringent standards to manage stormwater.

During its meeting of December 10, 2021, the Commission voted unanimously to adopt the amendments to the Pinelands CMP, the rules that govern land-use, development, and the protection of resources in the state Pinelands Area.

The amendments integrate and expand on stormwater management rules that were adopted by the New Jersey Department of Environmental Protection (NJDEP). The NJDEP's regulations took effect on March 2, 2020, and they focus on the use of green infrastructure to meet groundwater recharge and stormwater runoff quantity and quality standards.

Stormwater runoff is managed to reduce waterborne pollution from sources such as trash, nitrogen, phosphorus, bacterial pathogens and deicing salts, and to minimize local flooding.



**Above:** This rain garden that was installed at the Hammonton Lake Park is an example of a green infrastructure measure that will be required for minor development under the Commission's new rules. Photo/Paul Leakan

The Commission's new stormwater management rules follow the NJDEP's regulations in that they require green infrastructure to manage the stormwater close to the source, treat stormwater through infiltration into the subsoil, treat stormwater through filtration by vegetation or soil, and/or store stormwater runoff for reuse.

In order to provide enhanced protection to Pinelands resources, the Commission's new rules will, for the first time, require stormwater management for minor development. Minor residential development will be required to retain and infiltrate clean stormwater generated from the roof of a house by using green infrastructure measures, which include dry wells, pervious paving systems and small-scale bioretention systems such as a rain garden. Minor non-residential development will be required to treat, infiltrate and recharge stormwater generated from new motor vehicle surfaces of greater than 1,000 square feet in size.

Prior to the new rules, stormwater management in the Pinelands Area was generally required only for major development, defined in the CMP as any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any grading, clearing or disturbance of an area in excess of 5,000 square feet.

The new CMP amendments also include stricter standards for nitrogen removal for major development in the

Pinelands. The new rules require all major development to implement stormwater management measures to achieve a minimum 65% reduction of total nitrogen loads in stormwater runoff. The Pinelands' ecosystem is particularly vulnerable to damages caused by elevated levels of nitrogen, including the proliferation of invasive plant and animal species that outcompete and displace native species that are adapted to low levels of nitrogen. Lastly, the new rules clarify standards for variances, exceptions, and mitigation.

The new regulations build on the significant improvements made by the NJDEP with respect to the use of green infrastructure and include additional measures that afford enhanced protection of Pinelands resources and address the impacts of climate change on stormwater runoff. The Commission's new rules will reduce the volume of stormwater runoff, lower the potential for localized flooding and help to maintain water levels in the Kirkwood-Cohansey aquifer, which underlies the Pinelands, provides fresh drinking water and supports the region's special ecosystem.

The new stormwater management rules took effect after they were published in the New Jersey Register on January 18, 2022. Pinelands municipalities have one year to incorporate the new rules into their own master plans and land use ordinances. In 2022, the Commission will draft and provide model ordinances to assist the municipalities with that effort.

## Pinelands Climate Committee

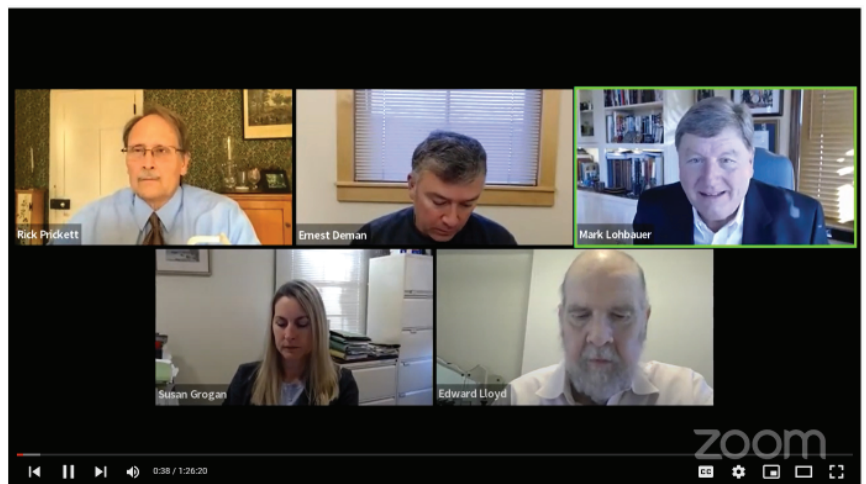
In 2021, the Commission's Pinelands Climate Committee continued to discuss and chart the agency's future efforts to address climate change.

The seven-member Committee has been discussing the potential effects of climate change in the Pinelands and considering measures to mitigate impacts since its formation in 2019. The Committee met seven times in 2021.

During its meeting in January, staff delivered a presentation on solar energy facilities, focusing on the New Jersey Board of Public Utilities (NJBPU) Community Solar Pilot Program, current Pinelands CMP standards, recent development applications and possible amendments for the Committee's consideration. Staff also provided an update on the NJDEP's ongoing NJPACT (Protecting Against Climate Threats) regulatory reform effort. Staff also displayed a series of maps prepared using NJ FloodMapper tools to show the potential impacts of sea level rise on the Pinelands Area.

The Committee hosted presentations on forest management during its March meeting. The presentations were delivered by Leslie Sauer, author, founder of Andropogon Associates and founding board member of the Northeast Region of the Society for Ecological Restoration, and John Cecil, Vice President for Stewardship, NJ Audubon Society.

During its meeting in May, the Committee received a brief update on the status of forestry-related bills that were pending in the State legislature. The Committee discussed potential amendments to the CMP's solar energy facility standards, focusing primarily on facilities located at existing landfills and resource extraction operations.



Pinelands Climate Committee Meeting - December 1, 2021

The Committee also discussed possible operational improvements that could be made at the Commission's offices.

In July, the Committee hosted a presentation on forest carbon and climate information. The presentation was delivered by Bernard Isaacson, Courtney Compton, Lauren Gazerwitz and Bill Zipse from the New Jersey Forest Service.

During its meeting in September, staff provided information on the Local Government Energy Audit program offered by the NJBPU. Staff also provided an update on the NJDEP's PACT (Protecting Against Climate Threats) and REAL (Resilient Environments and Landscapes) rulemaking initiatives.

During its December meeting, the Committee received updates from the staff about two FY2022 initiatives: the design and installation of a rain garden at the Commission's office and the submission of an application to the NJBPU for a local government energy audit of the agency's offices. Lastly, the Committee agreed to consider a resolution specifically addressing the goals of the New Jersey Global Warming Response Act, measures to avoid or minimize greenhouse gas emissions at the Commission's own offices and the future development of specific CMP standards.

## Alternate Design Wastewater Treatment Systems Pilot Program

During its meeting on November 12, 2021, the Commission adopted a resolution that authorizes the participation of four new advanced wastewater technologies in the agency's Alternate Design Treatment Systems Pilot Program.

The Commission launched the Pilot Program in 2002 to test high-performance wastewater treatment systems that better protect the Pinelands environment by reducing the levels of nitrogen that enter groundwater.

Through the program, the Commission has evaluated

numerous septic systems technologies and identified several that successfully meet Pinelands water quality standards for residential development on lots as small as one acre. To date, more than 422 Pilot Program systems have been installed to service single-family residential development in 28 Pinelands municipalities.

In 2020, the Commission adopted amendments to the CMP that extended the pilot program through 2025, authorized the use of one system technology, SeptiTech, for residential development on minimum one-acre parcels on a permanent basis, removed two systems from the program (one that has not been installed in the Pinelands and the other that has not met standards), and enabled the Commission to add additional technologies to the program by recruiting new NSF Standard 245 and/or USEPA ETV certified technologies to participate.

Under the resolution adopted by the Commission in November 2021, the Fuji Clean USA Residential CEN Series system, the Waterloo Biofilter Residential Model system and the Busse Innovative Systeme Model MF-B-400 system will be permitted to serve residential development on minimum one-acre parcels, and the Pugo system will be permitted to serve residential development on minimum 1.26-acre parcels.



**Above:** The housing development above was built with an alternate design wastewater treatment system in the Pinelands Area of Tabernacle Township. Photo/Paul Leakan

## Pinelands Development Credit Program

The Pinelands Development Credit Program is a regional transfer of development rights program that preserves important agricultural and ecological land. Pinelands Development Credits (PDCs) are allocated by the Commission to landowners in the Preservation, Agricultural Production and Special Agricultural Production Areas, which are the sending areas. PDCs can be purchased by property owners and developers who are interested in developing land in Regional Growth Areas, which serve as the receiving areas.

Once PDCs are “severed” from a sending area property, the property is permanently protected by a conservation or agricultural deed restriction and the PDCs allocated to that property can be sold on the private market.

During 2021, 72.70 PDCs were allocated by the Commission to 36 sending area properties. A total of 53.00 PDCs were severed, protecting 1,705 acres of land in the Special Agricultural Production Area in Bass River Township and the Agricultural Production Area in Franklin and Monroe Townships. Since 1982, 57,147 acres in the Pinelands Area have been permanently preserved through the PDC Program.



**Above:** This 700-acre blueberry and cranberry farm in Tabernacle Township’s Special Agricultural Production Area has been permanently preserved through the Pinelands Development Credit program.

Photo/Paul Leakan

In 2021, a total of 31.25 PDCs were sold, with an average sales price of \$57,752 per PDC. This represents a significant increase (\$13,000) over the average sales price in 2020. A total of 60.00 PDCs were redeemed for a wide variety of residential projects in Barnegat, Egg Harbor, Jackson, Medford, Monroe, Shamong and Stafford townships, the Town of Hammonton and the Borough of South Toms River during 2021.

Please see page 11 for a map that illustrates all PDC redemptions that occurred during Fiscal Year 2021.



**Above:** Prospective buyers can tour a model cottage at The Cottages at Compass Point, a development that will include 212 single-family detached homes and a 13,500-square-foot clubhouse in Barnegat Township’s Regional Growth Area and required the use of 16 Pinelands Development Credits (or 64 rights).

Photo/Paul Leakan



## Reviewing Municipal Ordinances

The master plans and land use ordinances of all Pinelands municipalities and counties must be consistent with the Pinelands CMP. Consistency is ensured through the conformance process, by which municipalities and counties submit their plans, ordinances and amendments to the Commission for review and certification.

The Commission received and reviewed 155 municipal master plan and ordinance amendments in 2021. The Commission continued to see a trend

of municipalities adopting plans regulating land uses in areas deemed in need of redevelopment. The Commission received 18 ordinances either adopting or amending redevelopment plans in 2021. Several plans were adopted to facilitate the development of solar energy on closed landfills.

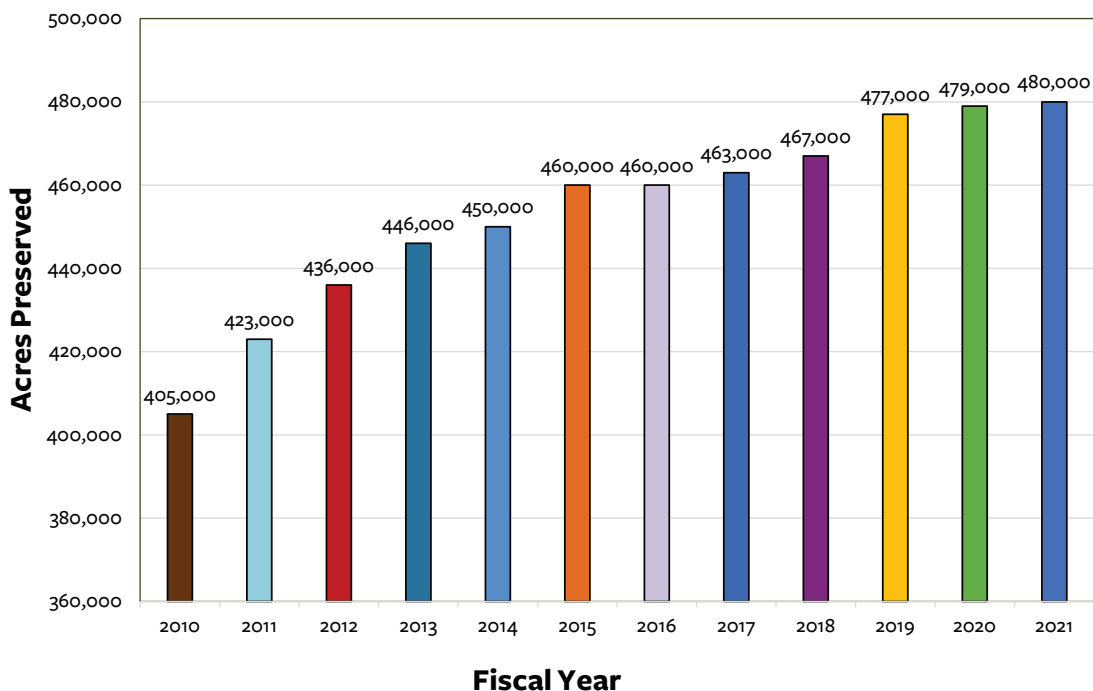
The Commission also received ordinances from nearly all of the 53 Pinelands municipalities regulating the various types of cannabis-related establishments.

## Annual Update on Permanent Land Protection in the Pinelands

The Pinelands Commission's staff delivered its annual update on permanent land protection in the Pinelands on September 10, 2021.

A total of 1,529 acres of land were preserved in the Pinelands Area from June 2020 to June 2021. Of that total, 559 acres were preserved through the Pinelands Development Credit Program and an additional 111 acres were preserved through the development application process to meet various CMP standards.

As of June 2021, 51% (480,500 acres) of the state Pinelands Area has been permanently preserved through a variety of programs. Of that total, 94% of the land is located in Pinelands Management Areas that are designated for conservation, including the Preservation Area District, the Forest Area, the Special Agricultural Production Area, and the Agricultural Production Area.



## Pine Barrens Byway Designated as a National Scenic Byway

The Pine Barrens Byway was officially designated as a National Scenic Byway in February 2021, thanks to the efforts of the Pinelands Commission.

The Commission is overseeing the administration of the 130-mile byway route, and it prepared the successful application to obtain the National Scenic Byway designation in June 2020.

A total of 63 nomination applications were submitted to the Federal Highways Administration in 2020, and 49 byways in 28 states were successful in receiving designations, including 34 National Scenic Byways and 15 All-American Roads, according to the U.S. Department of Transportation (U.S. DOT). The U.S. DOT took into account evidence of intrinsic quality(s), a demonstration of national or regional significance, the overall visitors' experience, and a demonstration of long-term sustainability.

The Pine Barrens Byway traverses roadways in Atlantic, Burlington, Cape May, Cumberland and Ocean counties, offering a diverse route punctuated by picturesque parks, serene rivers and quaint towns. It is one of eight state-designated scenic byways in New Jersey, and it meanders through Bass River Township, Corbin City, Dennis Township, Egg Harbor City, Estell Manor City, Galloway Township, Hamilton Township, Little Egg Harbor Township, Maurice River Township, Mullica Township, Port Republic City, Tuckerton Borough, Upper Township, Washington Township (Burlington County), Weymouth Township and Woodbine Borough. It was designated as a State Scenic Byway in 2005.

The National Scenic Byway designation bestows prestige and national and international recognition to the area, and it enhances efforts to preserve the Pinelands by increasing awareness and encouraging the stewardship of the region's resources. The



**Above:** The Eldora Nature Preserve in Cumberland County is one of many natural, scenic destinations located along the Pine Barrens Byway. Photo/Paul Leakan

national designation could also provide an economic boost to local Pinelands communities through increased tourism and federal funding for projects that promote the Byway.

In addition to submitting the successful application to the Federal Highways Administration, the Commission has completed numerous projects that raise awareness of the Pine Barrens Byway. In 2020, the Commission created, printed and distributed 650 copies of a 2021 Pine Barrens Byway-themed wall calendar that features 38 photos of various locations along the Byway route. In 2021, the Commission began overseeing a new Byway webpage that was created by consultants hired by the New Jersey Department of Transportation. The Commission also helped to develop and then printed and distributed thousands of copies of two new brochures that will also help to heighten awareness and generate more interest in the Byway. The brochures are available at various locations along the Byway.

The Commission's work on the Byway was funded by the National Park Service through the Long Term Economic Monitoring Program.

# Regulatory Activities

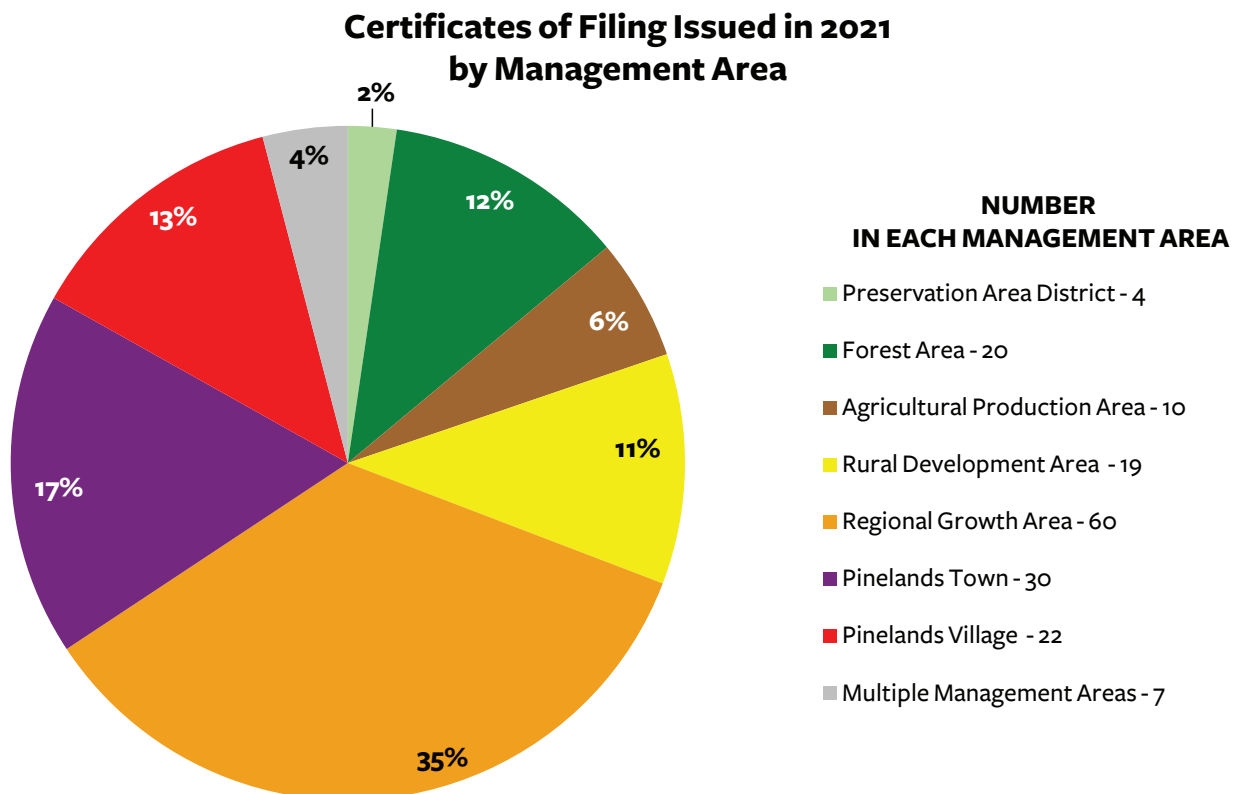
## Applications

The Pinelands Commission reviews applications for development by evaluating proposals to ensure that they meet the regulations contained in the Pinelands Comprehensive Management Plan (CMP).

Development proposals must meet a series of environmental standards, including those that protect water quality, wetlands and threatened and endangered species.

The Commission’s development approval process varies, depending on whether the application is submitted by a public agency or a private landowner. The Commission’s staff reviews private development proposals, such as single-family dwellings, subdivisions and commercial projects. After applicants provide all of the necessary information, the Commission issues a Certificate of Filing (or CF) that allows applicants to seek all municipal and county approvals for the proposed development.

The Commission issued 172 Certificates of Filing (CFs) in 2021, most of which (60) were for proposed development in Regional Growth Areas (as shown in the chart below). There are 24 municipalities with Regional Growth Areas, or RGAs, in the 938,000-acre state Pinelands Area. RGAs make up 8% of the land in the Pinelands Area, and they are generally located on the fringes of the Pinelands boundary. The RGAs include areas of existing development and adjacent lands that have the infrastructure such as sewers, roads and other utilities needed to accommodate new development while protecting the essential character and environment of the Pinelands. The Pinelands Comprehensive Management Plan encourages future growth in the RGAs as a way to prevent scattered and piecemeal development in other more sensitive portions of the Pinelands Area.



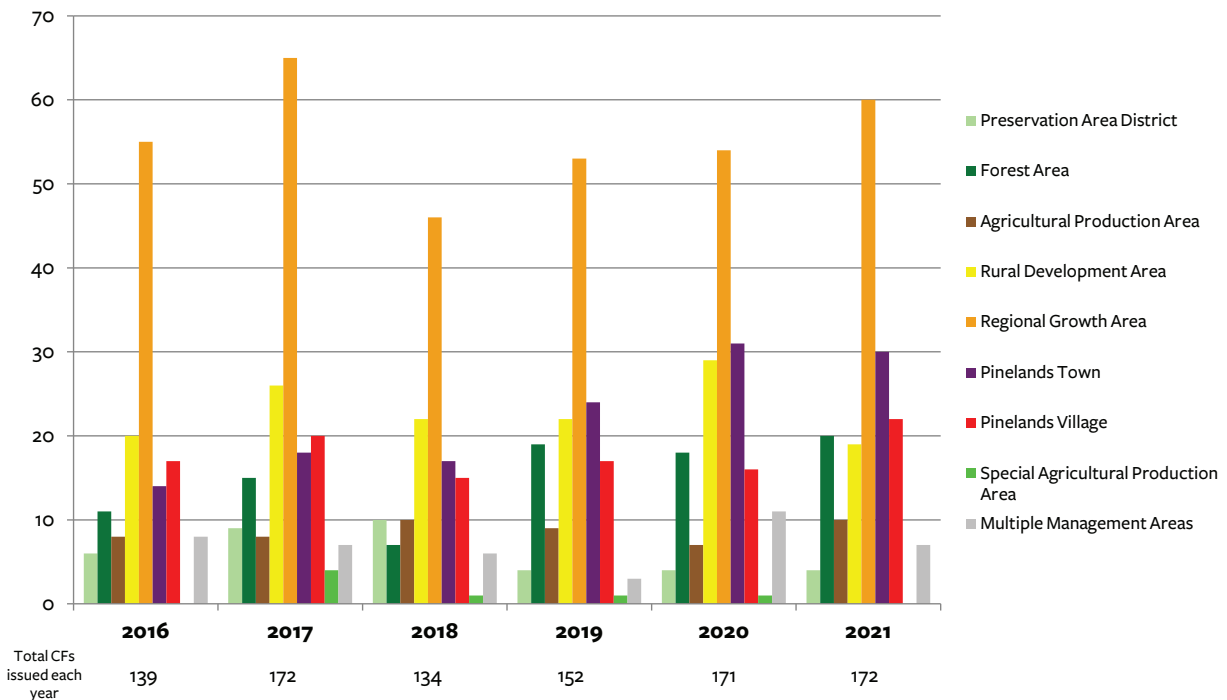
Of the 172 CFs that were issued in 2021, most involved proposals for residential development, followed by commercial development (as shown in the table below).

### Certificates of Filing Issued in 2021 by Management Area and Type of Development

<b>Management Areas</b>	Commercial	Infrastructure	Institutional	Recreation	Residential	Resource Extraction	<b>Total</b>
<i>Agricultural Production Area</i>	3				7		<b>10</b>
<i>Forest Area</i>	4	1	2	1	11	1	<b>20</b>
<i>Multiple Management Areas</i>	3	2			1	1	<b>7</b>
<i>Pinelands Town</i>	7				23		<b>30</b>
<i>Pinelands Village</i>	3		1		18		<b>22</b>
<i>Preservation Area District</i>		1			1	2	<b>4</b>
<i>Regional Growth Area</i>	17	1			42		<b>60</b>
<i>Rural Development Area</i>	4	1			9	5	<b>19</b>
<b>Totals</b>	<b>41</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>112</b>	<b>9</b>	<b>172</b>

The Commission issued similar numbers of CFs from 2016 to 2021, with the majority of the proposals for development located in RGAs (as shown on the bar graph below).

### Certificates of Filing by Management Area 2016 - 2021



The Pinelands Commission is also responsible for reviewing and approving development applications that are submitted by public entities, such as a municipality, county or a State agency. The full, 15-member Commission

votes on whether to approve these applications during its monthly meetings. The Commission approved a total of 21 applications for public development in 2021. Examples included the installation of a 10,800-square-foot geothermal well field for the heating and cooling of the Batsto Visitors Center and the installation of 5.35 acres of ground-mounted solar energy facilities at the Hammonton High School and Hammonton Early Childhood Center.

## **Recreation Permits**

In 2021, the Commission issued seven Recreation Permits for organized, off-road vehicle events in the Pinelands. In order to receive a Recreation Permit, groups must submit a completed “Off-Road Vehicle Event Application” for each proposed event. In addition to the application form, the group must submit the course route in electronic format, an application review fee, proof of insurance, property owner permission and proof that the township and New Jersey State Police have been notified. Commission staff reviews the course route to determine if there are any issues with wetlands, threatened and endangered species, deed-restricted land and private and public ownership. Any portions of the route that have potential issues are site inspected by a member of the Commission’s staff. If any route changes are necessary, a revised route is required and must again be submitted for review.

## **Development Application Trends in 2021**

The Commission saw increased interest and activity in three new types of development proposals in 2021: cannabis-related facilities, community solar facilities on existing landfills and large warehouses.

On February 22, 2021, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) was signed into law by Governor Murphy. The law legalizes the sale and use of cannabis and cannabis-related products for recreational use by adults in the State.

The law provides municipalities with the option to enact ordinances to govern the number, type and operations of cannabis businesses within their borders. The law also permitted municipalities to adopt ordinances prohibiting the establishment of certain classes of cannabis businesses, provided such ordinances were adopted prior to August 21, 2021. For those municipalities located within the Pinelands Area, such ordinances must also be in conformance with the Pinelands CMP and certified by the Commission before they may go into effect.

In response to this law, the Commission received numerous inquiries regarding cannabis-related cultivation, processing/manufacturing, sale and distribution for both recreational and medical cannabis uses. Two development applications were submitted for cannabis related facilities: a cannabis cultivation/processing facility in Winslow Township and a medical cannabis dispensary facility in Hamilton Township.

In addition to numerous phone calls, the Commission received written inquiries or application material on 27 different solar projects in 2021. Most likely in response to the New Jersey Board of Public Utilities (NJBPU) Community Solar Energy Pilot Program, the Commission received several joint proposals from municipalities and solar energy providers to formally close existing landfills and install solar energy facilities on the closed landfills. In 2021, the Commission received six proposals for the development of solar energy facilities as a principal use in conjunction with the proposed closure of existing landfills. Of those six proposals, one application was completed in the Borough of Woodbine.

Lastly, 2021 saw increased interest in the siting and development of large warehouses in the Pinelands Area. The Commission received numerous inquiries and new applications in 2021 for warehouses ranging in size from 50,000 square feet to over 1,000,000 square feet.

# Science & Research Activities

## Long-term Environmental Monitoring Program

**Snake Fungal Disease:** In 2018, Commission scientists began collaborating with Dr. Joanna Burger and her colleagues at Rutgers University, Robert Zappalorti of Herpetological Associates, and Dr. Jeffrey Lorch of the United States Geological Survey (USGS) to conduct research on snake fungal disease in the Pinelands. Snake fungal disease is an emerging disease found in populations of captive and wild snakes and has been found



**Above:** The soft and crusty brown blotches on this northern pine snake indicate potential snake fungal disease infection.

Photo/John Bunnell

to infect snakes in North America, parts of Europe, and Australia. Laboratory analyses have demonstrated that the fungus *Ophidiomyces ophidiicola* is consistently associated with snake fungal disease, but often additional fungi are also found. Although snakes can show signs of fungal disease just after spring emergence from hibernation, it was previously unknown if *O. ophidiicola* was present inside the hibernacula.

Dr. Burger and Mr. Zappalorti have been excavating a group of northern pine snake hibernacula, or winter dens, annually for the past 35 years. Their long-term study provides a unique opportunity to sample inside snake dens to determine if the fungus is present in the soil or on the hibernating snakes. Excavating the dens during hibernation also allows the sampling of a number of individual snakes from a population at one

time. A passive integrated transponder (PIT) tag is inserted into each new snake found during the excavations. A PIT tag is a tiny, glass-coated microchip commonly used in wildlife research that allows for the permanent identification of an animal through the use of a special scanner that reads the unique tag number.

To determine if *O. ophidiicola* was present in the dens or on hibernating snakes, initial sampling was completed in 2018 during den excavations at three locations. Because the initial sampling indicated that *O. ophidiicola* was present on snakes and in the soil inside the dens, in 2019, a second round of sampling was completed on hibernating snakes at all four of Dr. Burger and Mr. Zappalorti's study sites. A total of 35 pine snakes, one corn snake, one black racer, and one timber rattlesnake were found during the excavations. Each snake was swabbed for the fungus on the head, belly, vent, and on visible body sores. Preliminary results show that the fungus was present on the visible body sores much more than the other body locations sampled. During the winter of 2020, all snakes found during the den excavations were swabbed to determine the best method and body location to sample a snake for the presence of the fungus and to document changes in fungal infection for individual snakes over time. In 2021, all hibernating snakes were swabbed again to document changes in fungal infection for individual snakes over time and investigate changes in snake fungal disease among dens. Results assessing the presence of *O. ophidiicola* in dens versus adjacent soils and examining factors associated with the growth of the fungus, were recently published in the Journal of Fungi (Campbell, L.J.; Burger, J.; Zappalorti, R.T.; Bunnell, J.F.; Winzeler, M.E.; Taylor, D.R.; Lorch, J.M. Soil reservoir dynamics of *Ophidiomyces ophidiicola*, the causative agent of snake fungal disease. Journal of Fungi 2021, 7, 461).

**Rare Snake Population Monitoring:** Aside from the long-term artificial den excavations mentioned in the Snake Fungal Disease Monitoring component, no long-term data exist to assess rare snake population trends in the Pinelands. Therefore, we are establishing a network of natural snake dens, shed areas, and nest sites to monitor long-term population changes in several species of rare snakes. As part of ongoing snake studies,

numerous winter dens have been identified for corn snakes and kingsnakes. The goal is to identify more natural pine snake dens and natural dens for other rare snake species. Beginning in 2018, corrals were built around most dens to capture snakes as they enter hibernation in the fall and emerge from hibernation in the spring. The den corrals offer an effective non-invasive method to census snakes each fall and spring without physically disturbing dens or hibernating snakes.

In 2021, additional corn snake and pine snake dens were corralled prior to snake emergence in spring. A total of 24 corn snakes and nine pine snakes were radiotracked during the field season to find new dens, shed sites, and nest areas. Potential dens observed by tracking these snakes will be corralled during the winter of 2021-2022 and productive dens will be incorporated into the monitoring program. Over the course of the year, 314 new and previously PIT tagged snakes were found. These include 181 corn snakes, 75 pine snakes, 41 kingsnakes, 40 black racers, and 25 snakes of several other species (garter snakes, scarlet snakes, hognose snakes, rough green snakes, and timber rattlesnakes). In addition to the new and previously PIT tagged snakes, 96 corn snakes, 49 pine snakes, and 16 kingsnakes were hatched in the lab from eggs collected from gravid females and these hatchlings were also tagged and released.

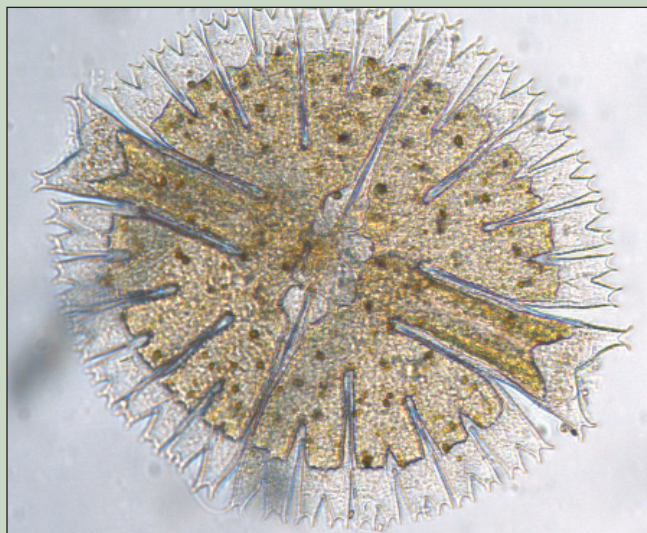
Other 2021 environmental monitoring activities included surveying calling frogs and toads at a group of ponds that are surveyed annually, measuring bimonthly water quality at 47 stream sites, recording monthly water levels at 35 forest plots and 30 ponds, and maintaining continuous water-level recorders installed in seven other ponds and in a shallow observation well installed within a pine lowland forest.

Long-term environmental monitoring research is being funded by the National Park Service.

## Microorganism Study

In 2017, the Commission was awarded funding to study the effects of land use on water quality and microorganisms in 60 natural ponds, excavated ponds, and stormwater basin study sites. The goals of the Microorganism Study are to assess the relationship between surrounding land use and various water-quality and biological attributes and to compare the plants and animals from these natural and created wetlands. Over a three-year period, from 2018 to 2020, field work was conducted at the 60 wetlands. Commission scientists and collaborators with the N.J. Department of Environmental Protection (NJDEP) and USGS sampled surface water for nutrients, metals, pesticides, and chlorophyll-a (an indirect measure of algal plant growth) and collected samples of diatoms (single-celled algae), phytoplankton (free-floating algae in the water), zooplankton (tiny animals that swim or drift in the water), and benthic macroinvertebrates (primarily aquatic larval insects).

In 2021, taxonomic consultants completed processing and identifying zooplankton, algae,



**Above:** *Micrasterias rotata* is one of 162 free-floating algae species that were collected at 60 wetland sites during the study. Photo/EcoAnalysts, Inc.

diatoms, and macroinvertebrates that were collected from the study sites. Project scientists assembled the biological and water quality data collected from the 60 wetlands and began analyzing the data and preparing a final report.

## Endocrine Disruption Study

The William Penn Foundation is funding scientific research in the Delaware River Watershed through the Delaware Watershed Research Fund, which is administered by The Academy of Natural Sciences. The Kirkwood-Cohansey aquifer, which underlies the Pinelands, was identified as one of the research areas eligible for funding. Commission scientists and USGS scientists Kelly Smalling, Dr. Vicki Blazer, and Heather Walsh proposed a study to investigate point and non-point sources of endocrine disrupting chemicals and the potential impacts on fish and frogs in the Pinelands. The study was awarded funding in 2016.

The endocrine system is a collection of tissues in animals that produce hormones to regulate essential life processes, such as metabolism, tissue function, reproduction, and development. A large group of natural and synthetic chemicals are known to disrupt endocrine function. Examples include plant hormones, plastic components, flame retardants, surfactants, fragrances, and pesticides. Endocrine disrupting chemicals, or EDCs, are a global environmental problem and have been linked to reproductive and developmental abnormalities in a variety of animal species, especially fish and amphibians.

Commission and USGS scientists proposed to sample water chemistry and fish above and below municipal wastewater treatment plants, which represent direct point sources of EDCs, and water chemistry and frogs at ponds and stormwater basins, which may receive indirect non-point sources of EDCs from runoff and the aquifer. Results from these sites will be compared to those from appropriate minimally impacted reference sites.

In 2017, 2018, and 2019, green frogs were collected from ponds and stormwater basins for histological analysis and water chemistry was sampled at the sites on multiple occasions. In 2019 and 2020, fish were collected from stream sites above and below sewage treatment plants for histological analysis by USGS scientists. Although field work for the project was completed in 2020, factors related to the pandemic caused significant delays in laboratory processing. In 2021, data collected in the study were published by the U.S. Geological Survey (Breitmeyer, S.E., Walsh, H.L., Smalling, K.L., Blazer, V.S., Boetsma, A.C., Carper, L.G., Cohl, J.A., Dietze, J.E., Iwanowicz, L.R., Lane, R.F., Raines, C.D., Schreiner, M.L., Tush, D.L., Wilson, M.C., Sperry, A.J., Bunnell, J.F., Burritt, P.M., and Dragon, J., 2021, Organic and inorganic constituents in surface water and native and non-native fish and frog health data collected from streams, impoundments and wetlands in the New Jersey Pinelands, 2017-2020: U.S. Geological Survey data release, <https://doi.org/10.5066/P93VW8GX>). These data are being analyzed and a manuscript is being prepared for potential publication in 2022.

The study is being funded by a grant from the Delaware Watershed Research Fund, a match by the Pinelands Commission, and a match by the USGS.



**Above:** Non-native black crappie was one of the fish species sampled for evidence of endocrine disrupting chemicals at lakes upstream and downstream of a sewage treatment plant.

Photo/ John Bunnell

## Joint Corn Snake Radio Tracking and Drift Fence Study

In 2017, Commission scientists began to collaborate with Dr. Howard Reinert of The College of New Jersey (TCNJ), Mr. Robert Zappalorti of Herpetological Associates, and the NJDEP Endangered and Nongame Species Program staff to conduct an intensive research project on the corn snake in the Pinelands. The corn snake is a colorful, secretive species of rat snake that reaches the northern limit of its range in the New Jersey Pinelands. Also called the red rat snake, the corn snake is listed as an endangered species by the NJDEP. The goals of the corn snake research is to better understand the habitat requirements and life history of this secretive serpent to develop meaningful conservation management programs for the species and ensure its continued survival in the Pinelands.

The research includes two components: radio-telemetry and headstarting, which is a conservation technique where vulnerable, young animals are raised in captivity until they attain a larger size and then released into the wild. For the telemetry aspect, researchers surgically implant small radio-transmitters in adult corn snakes and locate the snakes on a regular basis to collect data on their activity range; types of habitats used; and the locations for nesting, shedding, and hibernation. In 2019, scientists completed radio tracking of 29 corn snakes, which concluded the telemetry component of the study. Corn snake telemetry data will be analyzed by research collaborators at TCNJ.

For the headstarting component of the study, researchers collect corn snake eggs from nest areas and transport them to a laboratory for incubation and hatching. All of the hatchlings are microchipped and one-half of them are released back to the primary nest area as cold released snakes. The other group of hatchlings are kept in the laboratory over the winter and released the following spring as headstarted snakes. The goal is to recapture as many of these snakes as possible to assess growth and survivorship of the cold released and headstarted hatchlings over time. While in the laboratory, hatchlings are fed, weighed, and measured to determine the efficiency of assimilating food and their growth rates. Researchers are also conducting experiments on the laboratory hatchlings to understand their preferences for temperature, the amount of vegetation canopy cover, and whether they prefer to lay on sand, soil, leaf litter, or pine needles.



**Above:** A clutch of eggs surrounds a newly hatched corn snake. Growth and survivorship of hatchlings will be assessed in this study.

Photo/John Bunnell

In 2019, 28 headstarted corn snakes from 2018 and 11 newly hatched corn snakes from 2019 were released at the primary nest area. Twenty-two newly hatched corn snakes were selected to be held over the winter to be released the following year. In the spring of 2020, these held over snakes were released at the nest area. Additionally in 2020, a total of 22 corn snakes were hatched out in the lab and cold released during the hatching season. In 2021, 24 corn snakes from three clutches were hatched out in the lab and cold released at the primary

nest area.

A drift fence was established at the primary nest area to help recapture corn snake hatchlings to assess the survival of headstarted and cold released hatchlings and to compare the effectiveness of using a drift fence outfitted with box traps and artificial cover to detect corn snakes and other species of snakes. In 2019, a total of 1,994 animals were found along the drift fence, under the artificial cover, or in the box traps. Thirteen species of snakes were captured, including 19 corn snakes. In 2020, the fence, cover, and traps yielded a total of 2,047 animals. Eleven species of snakes were captured, including 12 corn snakes. For 2019 and 2020 combined, the drift fence and trap array captured two headstarted and three cold released corn snakes. In 2020, to assess whether corn snakes were able to maneuver around the drift fence without getting caught, four corn snakes were radio tracked in the immediate vicinity of the fence. Twice these snakes moved from one side of the fence to the other without getting captured in the box traps, suggesting that adult corn snakes can climb over the fence.

In 2021, 14 pitfall traps were installed to provide an additional method of capturing animals at the drift fence. A total of 2,111 animals were found along the drift fence, under the artificial cover, in the box traps, or in the pitfall traps. Eleven species of snakes were found, including 14 corn snakes. Two of these corn snake recaptures were cold released snakes from 2016 and 2017. Four of the corn snakes were captured in the newly installed pitfall traps. Two other cold released corn snakes from 2016 were recaptured in two different study areas approximately 1.5 miles from the nest site where they were released.

This Joint Corn Snake Study is being funded by the Pinelands Commission and the NJDEP.

## Eastern Kingsnake Study

In 2019, the Commission was awarded funding for a grant proposal, titled “Activity range, habitat use, shedding, denning, and nesting of the wetland-dependent eastern kingsnake.” The eastern kingsnake is listed as a species of special concern in New Jersey because it is vulnerable to multiple threats, is potentially declining, and its distribution and population status are not known. Although kingsnakes are a wetland-dependent species that use wetlands for overwintering, the specific wetland habitat types needed for hibernation and the amount and type of associated upland habitats used for foraging, shedding, and nesting have not been documented.



**Above:** A four-year study will focus on the wetland-dependent eastern kingsnake. Photo/ John Bunnell

Commission scientists are collaborating with Mr. Robert Zappalorti of Herpetological Associates and Dr. Howard Reinert of The College of New Jersey on this four-year study. Scientists are using radio telemetry to determine the activity range; upland and wetland habitat use; and timing of shedding, denning, and potentially nesting of the eastern kingsnake. In anticipation of obtaining funding and to ensure an adequate number of snakes to track if funding was secured, radio transmitters were surgically implanted in 13 kingsnakes in 2019. Although one kingsnake was killed by a predator, the remaining 12 snakes were tracked to their winter dens.

In 2020, 18 of 24 newly found kingsnakes were radio tracked in addition to the individuals that were tracked in 2019. Seven radio tracked kingsnakes died in 2020, either from predation or unknown causes. Another kingsnake was lost due to suspected transmitter failure. The remaining snakes were tracked to winter dens in the fall of 2020. In 2021, 20 kingsnakes were radio tracked through the end of the season to their winter dens. Nine other radio tracked kingsnakes died in 2021 from predation or were lost to other causes.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund.

## **Corn Snake and Kingsnake Genetics Research**

Previous genetics research by Drs. Laretta Bushar and Howard Reinert showed that timber rattlesnake populations in the Pinelands are geographically and genetically isolated from all other populations of rattlesnakes, and that paved roads in the region provided significant barriers to gene flow among Pinelands timber rattlesnakes. No work has been done on the population genetics of corn snakes or eastern kingsnakes. These two species are members of the Lampropeltini tribe, which includes pine snakes and gopher snakes, kingsnakes and milk snakes, corn snakes and other rat snakes, and other similar species.

In 2019, Drs. Bushar and Reinert began using published genetic information on related species to develop genetic markers for corn snakes and kingsnakes. In 2020, Arcadia University, the NJDEP Endangered and Nongame Species Program, and the Commission began to collaborate on this genetic research. Snakes collected during other Pinelands snake research as well as additional snakes found dead on roads from around the Pinelands may provide enough individuals to assess levels of genetic variation, population substructure, and the effect of roads on gene flow for corn snakes and kingsnakes in the Pinelands.

In 2021, blood samples collected during previous years were analyzed. For kingsnakes, eight microsatellite loci (i.e., genetic markers) useful for population genetic analysis were identified and used to analyze samples from 30 kingsnakes. Preliminary analysis indicated that Pinelands kingsnakes displayed a similar amount of genetic variation as two populations of California kingsnakes. The genetic markers developed from available published literature could be improved upon so future kingsnake genetics research should include identifying better genetic markers.

For corn snakes, 12 microsatellite loci useful for population genetic analysis were identified and used to analyze 51 snakes, including 38 from Wharton State Forest, eight from Berkeley, and the remaining from other Pinelands areas. The Wharton State Forest population appears to be a healthy interbreeding population with no obvious population substructure. This indicates adequate genetic mixing and no isolation of the Wharton population clusters. This agrees with our Joint Corn Snake research described above where two hatchlings dispersed about 1.5 miles from their nest area and were found in different study areas. When compared to the Wharton population, the Berkeley population showed strong evidence of isolation by distance. The Berkeley population is located approximately 20 miles away from the Wharton population.

In 2021, blood samples from additional kingsnakes and corn snakes in our study areas and surrounding areas continued to be collected to increase the sample size for a more robust future analysis.

This research is being funded by Arcadia University, the NJDEP Endangered and Nongame Species Program, and the Commission through the Pinelands Conservation Fund.

## **Ground Skink eDNA Study**

In 2020, the Commission began to collaborate with Dr. Julie Lockwood and Kathleen Kyle of Rutgers

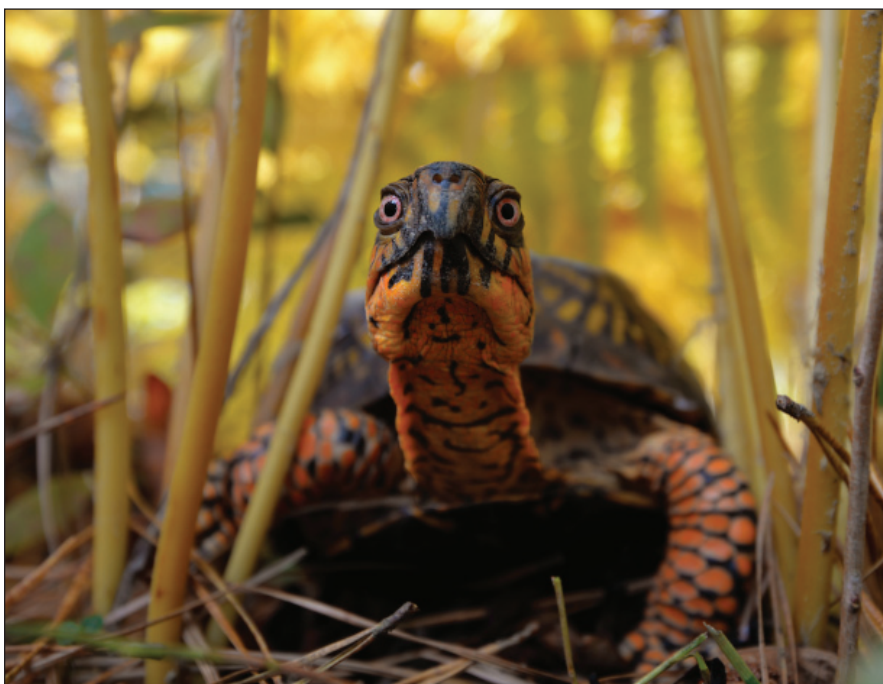
University. Dr. Lockwood and Ms. Kyle were interested in sampling the wood and metal cover placed along the drift fence array (see Drift Fence Study above) to determine whether they could detect environmental DNA of a small, common lizard called the ground skink. Environmental DNA (eDNA) is nuclear or mitochondrial deoxyribonucleic acid (DNA) shed by organisms into their surroundings as they move, grow, breed, and decompose. Compared to terrestrial habitats, the use of eDNA is more advanced in aquatic habitats because of the ease of drawing water from the habitat through a filter and analyzing the filter for eDNA. Detection of eDNA from dry surfaces and soil is a new field of research. The use of eDNA has the potential to revolutionize traditional survey and monitoring programs that rely on visual detection by an observer, especially for secretive or rare species, such as many species of reptiles.

In late-2020 and early 2021, Ms. Kyle sampled the underside of the wood and metal cover we placed along the drift fence array and the soil beneath the artificial cover and analyzed her samples for ground skink eDNA. The results indicated that detection probabilities were 4 – 16 times greater than visual detection. Ground skink eDNA was detected under cover objects up to two weeks after the last visual detection and at some cover objects where skinks had not been visually observed in prior months. These results suggest that combining eDNA with traditional cover object surveys can greatly increase the power of detecting reptiles during surveys.

The ground skink research was funded by Rutgers University and the Commission through the Pinelands Conservation Fund. Funding is currently being pursued to test eDNA methods for the corn snake, which is an endangered species that is often ignored during most surveys conducted for Pinelands development applications.

## Eastern Box Turtle Study

In this new initiative, the Commission received a 2021 scientific collecting permit from the NJDEP to begin to capture, weigh, measure, mark, and radio-track eastern box turtles. The eastern box turtle is listed by the NJDEP as a species of special concern because it is vulnerable to multiple threats, its distribution and population status in the state are not well understood, and it is potentially declining throughout its range. One goal of this research on box turtles is to gather data on turtle behavior, habitat use, movement, and use of nest sites and hibernacula in the Pinelands. Another goal is to monitor turtles in burned and unburned areas to better understand the relationship between turtles and prescribed fire. Over the course of 2021, a total of 25 box turtles were captured and processed and 20 of these were outfitted with external transmitters and radio-tracked about once each week. One of these radio-tracked turtles was lost to unknown causes and another was killed by an automobile. The remaining 18 were tracked to their winter hibernation areas.



**Above:** A colorful male box turtle found in the fall that is currently being radio tracked as part of the study. Photo/ John Bunnell

# Public Information, Education & Outreach

## Raising Awareness, Fostering Stewardship

The COVID-19 pandemic continued to pose challenges for the Commission, but staff members found new and creative ways to educate the public about the agency's work and the Pinelands' special resources.

Faced with concerns about the health and safety of holding educational events with large audiences, the staff chose to go virtual and outdoors, when possible. On April 24th, the Commission hosted a "Pinelands Short Discussion" with five well-known experts during the first-ever virtual Pinelands Short Course. The event was offered free-of-charge. The Commission organized and carried out the fifth annual Pinelands Summer Short Course on July 15th. The event included 14 programs that were held entirely outdoors at Whitesbog Village and



**Above:** Launched in 2020, the Pinelands Commission's Instagram site currently has more than 1,900 followers.

Wells Mills County Park, including guided history tours, a canoe trip, a ground-penetrating radar demonstration, live music and nature walks. (Please see page 25 for a photo).

The Commission held its first-ever virtual edition of the Pinelands Orientation for Newly Elected Officials on July 27th. The event is typically held at the agency's headquarters and it draws around 30-50 municipal

officials. The virtual offering featured four presentations by Commission staff. All four presentations have been recorded and are available for viewing on the Commission's YouTube Channel at any time. The Commission shared links to the Pinelands Orientation videos with officials in the 53 Pinelands municipalities and seven counties, and the videos have garnered 600 views thus far.

Meanwhile, staff organized, hosted and recorded 28 webinar presentations in 2021. Launched in 2020, the webinars are part of the Pinelands Speaker Series, which the Commission previously hosted at its headquarters in Pemberton Township. The webinars are livestreamed, and the public has the ability call in live to ask questions. Two webinars were delivered by Pinelands Commission staff in 2021, and the presentations

## By the Numbers:

In 2021, the Commission's staff:

- Organized, hosted, promoted and recorded 28 educational webinar presentations that are archived on YouTube and have been viewed more than 7,100 times;
- Maintained, enhanced and reviewed every page and link on the Commission's website, which was viewed a total of 177,712 times;
- Launched a new Twitter page;
- Took and shared 1,065 photos on the agency's Instagram site, which was launched in 2020 and has 1,940 followers;
- Shared 39 videos that raise awareness of the Pinelands on the Commission's YouTube Channel;
- Shared 125 posts on 60 consecutive workdays, along with 463 photos and 26 videos, as part of an informational celebration of the 40th anniversary of the Pinelands Comprehensive Management Plan;
- Responded to more than 1,574 public inquiries about recreation, general information about the Pinelands and the Commission, and other non-development application questions; and
- Organized and carried out the first-ever virtual Pinelands Short Course and first virtual Pinelands Orientation for Newly Elected Officials. Recordings of the two events have garnered 570 views on YouTube.

focused on native Pinelands snakes and a local history of Tuckerton Borough. Every webinar is recorded, archived and is available for viewing on the Commission's YouTube Channel at any time. The video webinar recordings were viewed more than 7,100 times in 2021, and the Commission now has an archive of nearly 60 webinar recordings on YouTube. The Commission will host additional webinars throughout 2022 but may offer some in-person presentations if conditions permit.

Commission staff also completed a comprehensive review of the agency's website in 2021, and they hosted numerous virtual field trips for school groups, launched a Twitter account, created a new, educational Instagram site for the Jersey Devil, and shared 1,065 photos on the agency's Instagram site. The site was launched in 2020, and it now has 1,940 followers.



**Above:** Commission staff created a new Instagram site for the Jersey Devil in 2021. Photo/Paul Leakan



**Above:** More than 50 people attended the fifth annual Pinelands Summer Short Course on July 15, 2021. The event was held at Whitesbog Village in Burlington County and Wells Mills County Park in Ocean County. Photo/Paul Leakan

## Pinelands National Reserve Calendar

The Pinelands Commission issued its sixth edition of the Pinelands National Reserve wall calendar in late November 2021.

The calendar features a theme of plants and animals and includes 38 stunning photos that showcase the native species that can be found in the Pinelands. The Pinelands is home to 850 species of plants and nearly 500 fish, bird, reptile, amphibian, mammal, and invertebrate species. This includes 92 plant species and 43 animal species that are listed as threatened or endangered.

The Commission worked with Rowan College at Burlington County to design and print the calendar. All of the photos were taken by members of the Commission's staff. Aside from the photos of the region's resources, the calendar includes State holidays, dates of Pinelands Commission meetings and important dates in Pinelands history.



**Above:** The front cover of the 2022 Pinelands National Reserve wall calendar features a photo of native, insect-eating pitcher plants.

A total of 820 copies of the calendar were printed and distributed free of charge at the Bass River State Forest, Batsto Visitor Center, Belleplain State Forest, Brendan T. Byrne State Forest, and the General Store at historic Whitesbog Village. The project was funded by the National Park Service.

## Finances

### Fiscal & Budget

The Commission's Operating Budget for Fiscal Year 2021 totaled \$5,915,074. Of this, \$4,955,565, or 83.78% percent, was budgeted for personnel expenses.

Budgeted revenue sources included \$585,000 in federal grants, a \$3,099,000 State appropriation, \$688,000 in State grants and other State funding, \$380,000 in application fees and \$1,163,074 from the Commission's fund balance and reserves.

The 2021 budget for the Kirkwood-Cohansey Study, funded through legislation passed in 2001, was \$31,624. The budget for the Pinelands Conservation Fund was \$830,616.

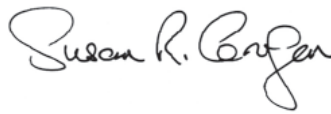
The Commission's Audit Report for Fiscal Year 2020, which ended June 30, 2020, is posted on the State Auditors web site. The website address is: <https://www.njleg.state.nj.us/publications/auditor/03002221.pdf>.

## Pinelands Application Fees

Since April 2004, the Pinelands Commission has received application fees to partially underwrite the direct costs associated with reviewing development applications in the Pinelands Area. During Fiscal Year 2021, unaudited application fee revenues actually collected totaled \$643,428.96, \$264,030.47 more than Fiscal Year 2020.

## Certification

As required by State Executive Order #37, all State authorities are required to certify that during the preceding year the authority has, to the best of its knowledge, followed all of the authority's standards, procedures, and internal controls. I hereby certify to the best of my knowledge that, during the 2021 calendar year, all of the Commission's standards, procedures, and internal controls were followed.



---

Susan R. Grogan  
Acting Executive Director

# Scenes around the Pinelands in 2021



**Above:** A bright pink sunset reflected off Atsion Lake in Wharton State Forest in this photo that was taken in mid-November of 2021. Wharton State Forest encompasses approximately 122,800 acres.

**Above:** This bald eagle was photographed from a distance in the Pinelands in November 2021. Once nearly extinct, the bald eagle population in New Jersey is now soaring, thanks to conservation efforts.



**Above:** Native sheep laurel could be seen blooming in the Pinelands in late May. The deep pink blooms brighten the landscape.



**Above:** This variegated fritillary butterfly was photographed on a patch of native, sweet goldenrod at the Pinelands Commission's headquarters in August 2021.

**Photos by Paul Leakan  
NJ Pinelands Commission**



**Cover image:** Reflections of Atlantic white cedars in the dark water of Skit Branch in Wharton State Forest. Photo/John Bunnell



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

**NO. PC4-22-**\_\_\_\_\_

**TITLE:** To Authorize the Acting Executive Director to Submit an Application to the New Jersey Historic Trust for a 2022 Preserve New Jersey Historic Preservation Fund Grant and to Certify the Availability of Matching Funds

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

**WHEREAS,** the New Jersey Historic Trust is offering matching grants for Historic Site Management through the Preserve New Jersey Historic Preservation Fund in 2022 for a wide range of historic preservation projects; and

**WHEREAS,** agencies and entities of the State government are eligible to apply for grants through this program; and

**WHEREAS,** to be eligible for a grant, a property must be listed in or eligible to be listed in the New Jersey Register of Historic Places and/or the National Register of Historic Places; and

**WHEREAS,** Fenwick Manor is listed in both the New Jersey and National Registers of Historic Places; and

**WHEREAS,** Historic Site Management applicants may apply for grants of \$5,000-\$75,000; and

**WHEREAS,** Historic Site Management grants require the recipient to provide matching funds on a 3:1 basis, with the Historic Trust funding 75 percent of the total project cost and the grantee responsible for the remaining 25 percent; and

**WHEREAS,** the New Jersey Historic Trust requires an applicant to obtain the formal authorization of its governing body for submission of the grant application and to document the availability and commitment of matching funds; and

**WHEREAS,** the Commission wishes to apply for a Historic Site Management grant that will be used to develop a Preservation Plan to identify and prioritize future restoration and rehabilitation tasks associated with Fenwick Manor according to the *Secretary of the Interior's Standards*; and

**WHEREAS,** in its Fiscal Year 2016, 2017, 2018 and 2019 adopted budgets, the Pinelands Commission reserved funding for the rehabilitation and preservation of Fenwick Manor, of which a maximum of \$25,000 is available to match a Historic Site Management grant; 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 approves and endorses an application for a Historic Site Management grant through the New Jersey Historic Trust and the Preserve New Jersey Historic Preservation Fund for the development of a Preservation Plan for the National and State Register listed Fenwick Manor.
2. The Pinelands Commission hereby certifies that it will provide all necessary matching funds, up to a maximum of \$25,000.
3. The Acting Executive Director is hereby authorized to submit the grant application and confirm and sign all assurances associated with that application.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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

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



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

**NO. PC4-22-\_\_\_\_\_**

**TITLE:** Expressing the Pinelands Commission's Gratitude for the Restoration of Payment in Lieu of Taxes Funding to Pinelands Municipalities in Fiscal Year 2022 and Supporting the Pinelands Municipal Council's Request for Continued Funding in Future Fiscal Years

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

**WHEREAS**, the Pinelands Protection Act of 1979 recognized the Pinelands Area as an area comprised of significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources, among them pine-oak forests, cedar swamps and extensive surface and ground water resources of high quality that provide unique habitat for a wide diversity of rare plant and animal species; and

**WHEREAS**, to ensure protection of the Pinelands Area from the threat posed by development pressure, the Pinelands Protection Act directed the Pinelands Commission to adopt a comprehensive management plan designed to protect, preserve and enhance the significant values of the resources of the Pinelands Area; and

**WHEREAS**, through its implementation of the Comprehensive Management Plan, the Pinelands Commission has successfully safeguarded the core of the Pinelands Area while channeling growth toward designated areas with the infrastructure needed to support it; and

**WHEREAS**, the success of the Pinelands Comprehensive Management Plan is enhanced by land acquisition and preservation that permanently protects the resources of the Pinelands, supports appropriate growth, and prevents piecemeal and scattered development; and

**WHEREAS**, municipalities within the Pinelands are uniquely characterized by higher rates of land preservation and more land in conservation-oriented zoning districts than non-Pinelands municipalities; and

**WHEREAS**, as of June 30, 2021, 51% of the Pinelands Area (480,500 acres) has been permanently protected through a variety of state, county, municipal and private efforts; and

**WHEREAS**, the Pinelands Commission supports continued land preservation efforts in the Pinelands Area while also recognizing the need to maintain vibrant and diverse communities through strong, stable municipal financial structures; and

**WHEREAS**, the Payment in Lieu of Taxes (PILOT) program was established on June 30, 1999 through adoption of the Garden State Preservation Trust Act and was renewed in 2010; and

**WHEREAS**, the PILOT program recognized the unique municipal budget challenges of municipalities that host significant areas land preservation by extending payments in lieu of taxes so that these municipalities do not suffer a loss of tax revenue due to state acquisition of lands; and

**WHEREAS**, the PILOT program has been an important component of municipal revenue where future growth is limited by the State's permanent land preservation efforts; and

**WHEREAS**, for State Fiscal Year 2022, Governor Murphy and the Legislature of the State of New Jersey fully restored funding of the PILOT program; and

**WHEREAS**, at its January 26, 2022 meeting, the Pinelands Municipal Council adopted Resolution 2022-01 to express its gratitude for the restored PILOT funding and request that the Governor and State Legislature continue full funding under the Garden State Preservation Trust Act in future fiscal years; and

**WHEREAS**, the Pinelands Commission wishes to join the Pinelands Municipal Council in expressing its thanks to the Governor and Legislature for restoring PILOT funding to Pinelands municipalities; and

**WHEREAS**, the Pinelands Commission also supports full funding of the PILOT program in future fiscal years as a means to enhance land preservation efforts in the Pinelands Area and to sustain Pinelands municipalities that host significant areas of preserved land; 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 expresses its gratitude for the Governor’s and State Legislature’s support of Pinelands municipalities and land preservation efforts through the reinstatement of PILOT program funding for Fiscal Year 2022.
2. The Pinelands Commission hereby joins the Pinelands Municipal Council in requesting that the PILOT Program continue to be fully funded in the State’s Fiscal Year 2023 budget and beyond.
3. The Executive Director shall forward a copy of this resolution to the Governor, members of the State Legislature and the Pinelands Municipal Council.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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Susan R. Grogan  
Acting Executive Director

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Laura E. Matos  
Chair

**PINELANDS MUNICIPAL COUNCIL**

**RESOLUTION 2022-01**

**EXPRESSING GRATITUDE TO GOVERNOR AND  
LEGISLATURE OF THE STATE OF NEW JERSEY  
FOR FULLY FUNDING PILOT PAYMENTS UNDER  
THE GARDEN STATE PRESERVATION TRUST ACT**

**WHEREAS**, the Pinelands Municipal Council serves as a sounding board among fifty-three (53) municipalities within the State-designated Pinelands area, and is charged with the responsibility of addressing issues affecting the Pinelands and Pinelands municipalities; and

**WHEREAS**, the Garden State Preservation Trust Act was signed into law on June 30<sup>th</sup>, 1999 and extended payments in lieu of taxes to municipalities in which lands are purchased or held by the State or conservancies for recreational or conservational purposes by constitutionally-dedicated money, so that municipalities do not suffer a loss of taxes due to state acquisition of lands; and

**WHEREAS**, the New Jersey Pinelands is a unique ecological and cultural area with extensive wetlands, vast oak-pine forest and diverse species of plants and animals; and

**WHEREAS**, the natural resources within the Pinelands are a treasure to be enjoyed by all citizens of New Jersey and the cost to protect and preserve this region are for the greater good of the entire state and should not be borne upon the local municipalities and their residents solely; and

**WHEREAS**, many of the most impacted municipalities are small, rural towns where the potential for ratable growth is severely limited by Pinelands regulations and by substantial loss of taxable lands to State ownership; and

**WHEREAS**, Governor Christie and the Legislature, in 2010, reduced this constitutionally-dedicated funding by one-third under the auspices of meeting budgetary constraints, which reductions have remained in place for a decade; and

**WHEREAS**, Municipalities have unfairly borne the additional costs of preservation for the entire state, and as additional State acquisitions have added to these costs by depleting the tax base of these municipalities, the impact of these costs have escalated; and

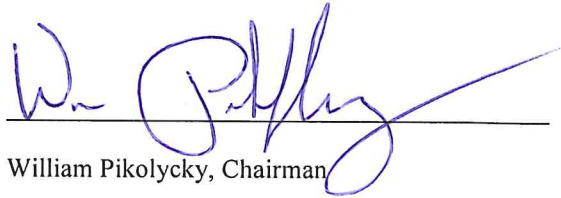
**WHEREAS**, in 2021, Governor Murphy and the Legislature of the State of New Jersey fully restored the funding to the municipalities and municipal budgets; and


**WHEREAS**, the restoration of this funding has a significant, positive impact on the municipalities of the Pinelands Municipal Council.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Pinelands Municipal Council expresses its sincere gratitude to Governor Murphy and the Legislature of the State of New Jersey for the restoration of the entirety of the funding promised to the municipalities through the constitutionally-dedicated money, which serves as a significant source of funding for municipalities bearing the burden of substantial lands in State and conservation ownership, to the benefit of all residents of the State.

**BE IT FURTHER RESOLVED** that the Pinelands Municipal Council respectfully requests and encourages the Governor and Legislature to continue the full funding of the payments in lieu under the Garden State Preservation Trust Act in 2022 and going forward.

I certify that the foregoing Resolution was duly adopted at a regular meeting of the Pinelands Municipal Council held on the 26<sup>th</sup> day of January, 2022.

  
\_\_\_\_\_  
William Pikolycky, Chairman

  
\_\_\_\_\_  
Karen Vacarro, Secretary



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

**NO. PC4-22-\_\_\_\_\_**

**TITLE:** Amending and Supplementing Resolution PC4-20-37 to Clarify the Objectives of the Pinelands Commission Relative to Climate Change in the Pinelands Area and the Responsibilities of the Pinelands Climate Committee

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

**WHEREAS**, the Chairman of the Pinelands Commission established the Land Use, Climate Impacts and Sustainability (LUCIS) Committee in December 2018; and

**WHEREAS**, in order to ensure that the policies, practices, regulations and actions of the Pinelands Commission serve to mitigate, not exacerbate, the impacts of climate change, the Commission adopted Resolution PC4-20-37 on November 13, 2020, setting forth the responsibilities and objectives of the LUCIS Committee and the Commission as a whole; and

**WHEREAS**, Resolution PC4-20-37 calls for the Executive Director and Chair of the Personnel & Budget Committee to examine all of the Commission's facilities, day-to-day operations and management practices, update the LUCIS Committee on the results of said examination and present to the Commission for its consideration recommended operational changes that would mitigate greenhouse gas emissions to the greatest extent feasible; and

**WHEREAS**, Resolution PC4-20-37 further specifies that the LUCIS Committee shall coordinate with the New Jersey Department of Environmental Protection, the Board of Public Utilities and other state agencies and departments on their efforts to mitigate the impacts of climate change in New Jersey; and

**WHEREAS**, Resolution PC4-20-37 also charges the LUCIS Committee with the responsibility of identifying existing Comprehensive Management Plan (CMP) standards that may be strengthened and new CMP standards that may be adopted to mitigate the effects of climate change on the Pinelands environment and to recommend such standards to the Commission for consideration as proposed amendments to the CMP; and

**WHEREAS**, Resolution PC4-20-37 specifies that the LUCIS Committee may also take other actions and make other recommendations to the Commission consistent with Resolution PC4-20-37, the Pinelands Protection Act and the CMP; and

**WHEREAS**, the LUCIS Committee was renamed as the Pinelands Climate Committee in April 2021; and

**WHEREAS**, at its December 1, 2021 meeting, the Pinelands Climate Committee discussed the mechanisms by which the Commission could best express its support for and intention to implement the goals of the New Jersey Global Warming Response Act of 2007; and

**WHEREAS**, the New Jersey Global Warming Response Act (P.L. 2007, c.112, P.L. 2019, c.197) requires that no later than January 1, 2050, Statewide greenhouse gas emissions shall be stabilized at or below 80 percent of the 2006 Statewide greenhouse gas emissions and shall not exceed that level thereafter; and

**WHEREAS**, on October 15, 2020, in response to the 2019 amendments to the Global Warming Response Act, the New Jersey Department of Environmental Protection issued its 80x50 Report containing strategies across seven emission sectors for reducing emissions to 80 percent below their 2006 levels by the year 2060; and

**WHEREAS**, at its December 1, 2021 meeting, the Pinelands Climate Committee also discussed the importance of developing standards that would allow for an evaluation of climate impacts when development applications are submitted to the Commission, as well as the identification of alternative measures that such applications might propose to avoid or minimize such impacts; and

**WHEREAS**, the Pinelands Climate Committee has recommended that the Commission amend and supplement Resolution PC4-20-37 to expressly reference the Global Warming Response Act and the development of CMP standards; and

**WHEREAS**, the Pinelands Commission wishes to amend and supplement Resolution PC4-20-37 accordingly; 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 Pinelands Commission Resolution PC4-20-37 is hereby amended and supplemented as follows:

1. The Pinelands Commission supports the goals of the New Jersey Global Warming Response Act of 2007, as amended, and is committed to implementing strategies through its daily operations and long-term planning and regulatory efforts that will contribute to the State’s meeting its 2050 greenhouse gas emission target.
2. The Pinelands Climate Committee shall consider, among other resources, the strategies included in the New Jersey Department of Environmental Protection’s 80x50 Report for meeting the Statewide greenhouse gas emission target as it develops and considers operational policies and potential CMP amendments related to climate change.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

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

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



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

**NO. PC4-20- 37**

**TITLE:** To Establish the Objectives of the Pinelands Commission Relative to Climate Change in the Pinelands Area and the Responsibilities of the Commission's Land Use, Climate Impacts and Sustainability Committee

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

**WHEREAS**, the Pinelands Protection Act of 1979 recognized the Pinelands Area as an area comprised of significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources, among them pine-oak forests, cedar swamps and extensive surface and ground water resources of high quality that provide unique habitat for a wide diversity of rare plant and animal species; and

**WHEREAS**, to ensure protection of the Pinelands Area from the threat posed by development pressure, the Pinelands Protection Act directed the Pinelands Commission to adopt a comprehensive management plan designed to protect, preserve and enhance the significant values of the resources of the Pinelands Area; and

**WHEREAS**, since its adoption by the Commission in 1981, the Pinelands Comprehensive Management Plan (CMP) has encouraged appropriate patterns of growth as a means of protecting the overall Pinelands environment from the individual and cumulative impacts of scattered and piecemeal development; and

**WHEREAS**, through its implementation of the CMP, the Pinelands Commission has successfully safeguarded the core of the Pinelands Area while channeling growth toward designated areas with the infrastructure needed to support it; and

**WHEREAS**, collaborative efforts among the Commission, state, local, county and nonprofit organizations have preserved more than 50 percent (479,000 acres) of the land in the Pinelands Area to date; and

**WHEREAS**, these measures have not only protected the Pinelands ecosystem but have significantly benefited air and water quality, while protecting agricultural lands and vast wildfire-prone forests that serve to sequester carbon in the entire region when properly managed; and

**WHEREAS**, wetlands comprise approximately one-third of the Pinelands, and they play a critical role in filtering sediments, pollutants and nutrients from water, while also capturing and storing carbon, providing a buffer against sea level rise, and reducing the impacts of flooding and droughts; and

**WHEREAS**, the Pinelands Commission acknowledges there is ample scientific evidence documenting that climate change poses a new and severe threat to the Pinelands environment; and

**WHEREAS**, the Pinelands Commission endeavors to serve as an example for others as to how homeowners, businesses and local governments in the Pinelands Area should operate in order to mitigate and adapt to the significant challenges posed by climate change; and

**WHEREAS**, the Pinelands Commission is committed to building on the success of the CMP and the Pinelands protection program by refining the CMP so that climate change considerations may be incorporated in the Commission's future planning and permitting decisions; and

**WHEREAS**, to that end, the Chairman of the Commission established the Land Use, Climate Impacts and Sustainability (LUCIS) Committee in December 2018; and

**WHEREAS**, on October 9, 2019, New Jersey Governor Murphy signed Executive Order 89 which stated, in part: "WHEREAS, the severity of future impacts of climate change on our State will directly depend on the willingness and ability of communities, businesses, industries and *government entities*

[emphasis added] to integrate climate change considerations into planning and decision-making, and to become more resilient and adapt to the effects of climate change”; and

**WHEREAS**, on January 27, 2020, New Jersey Governor Murphy signed Executive Order 100 which stated, in part: “WHEREAS, it is the policy of this State that, as a key part of its efforts to curtail the serious impacts of global climate change caused by greenhouse gas emissions, New Jersey must pursue a just and smooth transition away from its reliance on fossil fuels as a primary energy source and build a stronger and fairer economy that relies primarily upon clean and renewable energy sources”; and

**WHEREAS**, in order to ensure that the policies, practices, regulations and actions of the Pinelands Commission serve to mitigate, not exacerbate, the impacts of climate change, it is now appropriate to detail the responsibilities and objectives of the LUCIS Committee and the Commission as a whole; 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 acknowledges the scientific consensus that human influence on the climate system is clear, recent anthropogenic emissions of greenhouse gases are the highest in history and recent climate changes have had widespread adverse impacts on human and natural systems.
2. The Pinelands Commission acknowledges the scientific consensus that the continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible adverse impacts on people and ecosystems, including the Pinelands.
3. The Pinelands Commission further acknowledges that substantial and sustained reductions in greenhouse gas emissions are required, together with adaptation measures, to limit the risks of climate change.

**BE IT FURTHER RESOLVED** that

4. The Executive Director, in consultation with the Commission’s Personnel & Budget Committee, shall examine all of the Commission’s facilities, day-to-day operations and management practices. The Chair of the Personnel & Budget Committee shall update the LUCIS Committee on the results of said examination and shall present to the Commission for its consideration recommended changes that would mitigate greenhouse gas emissions to the greatest extent feasible.
5. The LUCIS Committee shall coordinate with the New Jersey Department of Environmental Protection, the Board of Public Utilities and other state agencies and departments on their efforts to mitigate the impacts of climate change in New Jersey.
6. The LUCIS Committee shall examine all Commission policies, including but not limited to those governing use of the Pinelands Conservation Fund, to determine those that may have an effect on climate change, those that serve to mitigate climate change and those that may be strengthened or otherwise amended to have such a mitigating effect, and shall recommend such changes to the Commission for its consideration.
7. The LUCIS Committee shall identify existing CMP standards that may be strengthened and new CMP standards that may be adopted to mitigate the effects of climate change on the Pinelands environment and shall recommend such standards to the Pinelands Commission for consideration as proposed amendments to the CMP. Such amendments may include the incorporation of language into the CMP that emphasizes the importance of mitigating the effects of climate change on Pinelands resources, in keeping with the goals set forth in the Pinelands Protection Act. The LUCIS Committee may also take such other actions and make such other recommendations to the Commission consistent with this mandate, the Pinelands Protection Act and the CMP as the Committee may deem appropriate.

8. The Pinelands Commission shall evaluate all proposed CMP amendments in terms of their potential impacts on greenhouse gas emissions and shall seek to include measures that will mitigate adverse impacts on the Pinelands environment.

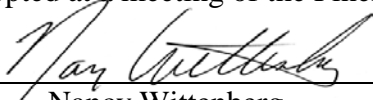
### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick	X				Pikolycky	X			
Christy			X		Jannarone	X				Quinn	X			
Earlen	X				Lloyd	X				Rohan Green			X	
Howell			X		Lohbauer	X				Prickett	X			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: November 13, 2020



Nancy Wittenberg  
Executive Director



Richard Prickett  
Chairman

Disclaimer

These minutes reflect the actions taken by the Commission during its March 11, 2022 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on March 18, 2022.

PINELANDS COMMISSION MEETING

MINUTES

**March 11, 2022**

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

Commissioners Participating in the Meeting

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

Commissioners Absent

Daniel Christy & Shannon Higginbotham.

Call to Order

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

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

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

The Commission pledged allegiance to the Flag.

## Minutes

Chair Matos presented the minutes from the Commission's February 11, 2022 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the February 11, 2022 Commission meeting were adopted by a vote of 11 to 0. Commissioner Quinn abstained from the vote.

## Committee Reports

Chair Matos provided an update on the February 25, 2022 Policy & Implementation (P&I) Committee meeting:

The Committee adopted the minutes of its November 19, 2021 meeting.

The Committee reviewed and recommended certification of an ordinance from Tabernacle Township that will permit solar energy facilities on former sand and gravel mines located in the Preservation Area District.

The Committee reviewed and recommended approval of a resolution requesting continued PILOT (Payment in Lieu of Taxes) funding for Pinelands municipalities.

The Committee received an update on upcoming policy and agenda content for the spring, including a new round of Pinelands Conservation Fund land acquisition and draft CMP amendments concerning the Electric Transmission Right-of-Way (ROW) Pilot Program and Kirkwood-Cohansey water supply policies.

Commissioner Lohbauer provided an update on the February 25, 2022 Climate Committee meeting:

The Committee received an update on the status of the Local Government Energy Audit and the rain garden project.

The Committee received an update on the following state initiatives that the Commission hopes to be involved in: the Governor's Interagency Council on Climate Resilience, Senator Smith's newly formed Forest Stewardship Task Force and the New Jersey Department of Environmental Protection (NJDEP) and New Jersey Department of Agriculture's Natural and Working Lands Strategy.

He said the Committee also discussed a resolution which incorporates climate change as it relates to the Pinelands Commission. He said that resolution is on today's agenda.

Staff Member Introductions

Acting ED Grogan introduced three new staff members who recently joined the Planning Office: Katie Elliot, Trent Maxwell and Steve Simone. She also introduced Devin Walker, who has joined the Regulatory Programs Office. She noted that another new employee will be joining the Regulatory Programs office at the end of March.

Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

- The Commission has received approval to replace two employees who are set to retire on June 1st and July 1st.
- The Governor has announced that state agencies can once again hold in-person public meetings as long as the same opportunity is afforded to members of the public. Staff will be meeting internally to discuss how it will conduct meetings going forward.
- The Commission has received a draft report from the consultant who performed the Energy Audit and a meeting has been scheduled with them to review the report before the issuance of the final report. The consultant provided two reports, one for the Richard J Sullivan Center and another for the historic buildings. A formal presentation on the findings of the reports will be shared at an upcoming Commission meeting.

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

- Tabernacle Township has determined that its current municipal building is structurally unsafe and has requested emergency authorization from the Commission to permit the placement of three office trailers on the existing parcel to use in the interim. The Township has been in discussions with staff about potential sites for the construction of the new municipal building.
- Staff is currently reviewing an application for a 205,000 square foot cannabis growing facility in Galloway Township at the former site of Lenox china plant.
- An application was submitted proposing the construction of 350 single family dwellings on an abandoned sand mine in Manchester Township. Previously there was an interest to develop a large warehouse on the site but that would have required a zoning change.

Commissioner Irick asked about the Commission's ability to participate on Senator Smith's Forest Stewardship Task Force.

Stacey Roth, the Commission's Chief of Legal and Legislative Affairs, said staff has reached out to the legislative aide to the Senate Environmental and Energy Committee regarding the Commission's interest in participating on the Task Force. She added that she has been in contact with Senator Smith's aide and he is aware of the Commission's interest as well.

She noted that the State Ethics Commission will be sending an email out soon regarding filing Financial Disclosure Statements. She said the deadline to file is May 15<sup>th</sup>.

She said the Executive Director of the State Agricultural Development Committee met with the P&I Committee a few years ago to discuss special occasion events at preserved farms. She said a bill is moving through the Legislature, and the February Management report includes details on how the number of events is calculated.

Paul Leakan, the Commission's Communications Officer, said more than 400 participants have registered for the 33<sup>rd</sup> Annual Pinelands Short Course.

He said the drawings for the rain garden may be completed later this month, with the hopes of installing the garden this spring. He said he shared a list of native Pinelands plants with the design team.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution recommending approval for the construction of a 10,240 square foot maintenance building and two storage yards at the Atlantic County Institute of Technology High School in Hamilton Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1981-2437.017) (See Resolution # PC4-22-09). Commissioner Irick seconded the motion.

Director Horner said in addition to the development of the maintenance building, the application resolves a violation regarding the establishment of storage yards used for vegetative debris.

The Commission adopted the resolution by a vote of 12 to 0.

Chair Matos said the next resolution is for the construction of six tolling stations along the Atlantic City Expressway, the construction of a fire station in Monroe Township and the installation of four wind cones at the Atlantic City International Airport.

Commissioner Irick made a motion Approving With Conditions Applications for Public Development (Application Numbers 1984-0655.033, 1987-1058.083 & 1986-1336.004)(See Resolution # PC4-22-10). Commissioner Lohbauer seconded the motion.

Director Horner explained that South Jersey Transportation Authority (SJTA) is constructing tolling stations along the Expressway, and the structures span across the travel lanes to capture E-ZPass information.

He said Monroe Township is proposing to demolish its existing fire station and rebuild a larger fire station on the same parcel. He said the Commission has received a number of letters from the Township supporting the application for the reconstruction of the fire station.

He said as part of SJTA's other development application, they are proposing to remove four existing wind cones from the airport and replace them with four new wind cones away from the runway for safety concerns. He said the wind cones are used by pilots to determine wind speed and direction. He said the report outlines the specific steps that must be taken to protect the threatened and endangered bird species at the airport.

Commissioner Lohbauer said the Commission recently permitted some changes to its Memorandum of Agreement (MOA) with SJTA and he doesn't consider this application to be new construction or tied to the performance of the MOA but he wants SJTA to be aware that the Commission is paying close attention. He asked if there are any updates on the progress of the new Grassland Conservation Management Area (GCMA).

Ms. Roth said all the structures at the former horse farm have been removed. She said an application to regrade and construct the new GCMA has been submitted to the Commission. She said SJTA continues to submit their monthly status reports. She added that the MOA covers specific development, and the wind cones were not subject of the MOA. She said the MOA specifically states that the Authority can submit a public development application for any development not covered by the MOA, and that is what they have done in this instance.

Director Horner said that Ernest Deman of the Regulatory Programs Office recently conducted a site inspection at the future site of the new GCMA and he can provide a quick overview of what he saw.

Mr. Deman said he visited the site to review the wetlands line. He said concrete slabs of where the structures sat remain. He added that the regrowth of the grasses in the open areas looks very promising.

The Commission adopted the resolution by a vote of 12 to 0.

### Planning Matters

Chair Matos introduced a resolution to certify Tabernacle Township's Ordinance 2021-10.

Commissioner Lohbauer made a motion Issuing an Order to Certify Ordinance 2021-10, Amending Chapter XVII (Zoning) of the Code of Tabernacle Township (See Resolution # PC4-22-11). Commissioner Avery seconded the motion.

Acting ED Grogan said the Township has made zoning map changes specifically in its Infill District. She said when the Commission certified Tabernacle's ordinance in the mid-1980's, the town created an unusual Infill Commercial District that has caused problems over the years. The Township has decided to eliminate the Infill Commercial District and rezone a portion to the Infill Residential District and one lot to the Preservation Area District. The Township has elected to permit solar energy facilities on the lot that is being rezoned back to a Preservation Area District. The Township has adopted an ordinance that outlines a set of standards for solar facilities and is similar to what is required by the Comprehensive Management Plan (CMP) but included other standards related to setback, firebreaks, facility size limitations and other related local issues.

She said non-developed portions of the solar energy facility site will be permanently preserved through a deed restriction. She added that the Township is using the municipal flexibility provision of the CMP. She said siting a solar energy facility on a parcel that is under a restoration obligation is typically not permitted. She said based on the unique approach the Township has taken – which included tailoring certain standards – while still maintaining the goals of the CMP, staff is comfortable with the outcome of Tabernacle's approach. She noted that restoration on the parcel will occur on the portion of the parcel not being utilized by the solar energy facility. She said restoration on the solar energy facility portion of the lot will occur when the solar facility ceases operation.

Commissioner Meade ask for clarification about the placement of solar energy facilities.

Acting ED Grogan said the entire site is 60 acres. Approximately 14 acres of the already disturbed area will be used for the solar energy facility. She said the entire site is subject to the CMP's restoration requirements. She said this is a good outcome. She said that encouraging solar facilities on already disturbed land while meeting the CMP's environmental standards is challenging.

The Commission adopted the resolution by a vote of 12 to 0.

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

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

#### Ordinances Not Requiring Commission Action

Acting ED Grogan said there were no ordinances or master plans to note this month.

#### Other Resolutions

Chair Matos introduced a resolution to approve the Commission's 2021 Annual Report.

Commissioner Irick made a motion To Approve the Pinelands Commission's 2021 Annual Report (See Resolution # PC4-22-12). Commissioner Lohbauer seconded the motion.

Acting ED Grogan said the Annual Report is required by the Pinelands Protection Act and Executive Order. A few presentations slides were displayed to show the many highlights of 2021, which included the adoption of stormwater amendments, National Scenic Byway designation of the Pine Barrens Byway, Pinelands Development Credit (PDC) activity, development applications reviewed by the Regulatory Programs office, educational and social media activity, and the celebration of the CMP's 40<sup>th</sup> anniversary. (See attached presentation slides.)

The Commission adopted the resolution by a vote of 11 to 0. Commissioner McCurry abstained from the vote.

Chair Matos introduced a resolution authorizing the submission of a grant application to the New Jersey Historic Trust.

Commissioner Avery made a motion To Authorize the Acting Executive Director to Submit an Application to the New Jersey Historic Trust for a 2022 Preserve New Jersey Historic Preservation Fund Grant and to Certify the Availability of Matching Funds (See Resolution # PC4-22-13). Commissioner Lohbauer seconded the motion.

Acting ED Grogan said two years ago the Commission applied for a capital fund grant to the New Jersey Historic Trust, which it did not receive. It was suggested the Commission apply for a different grant in hopes of hiring consultants to prepare a preservation plan for Fenwick Manor. The plan will detail the long-term maintenance of both the interior and exterior of the building and hopefully assist with future grant funding. She added that the Commission has also submitted a request to the Governor's office for a special appropriation for Fenwick Manor in the FY 2023 or 2024 budget.

Commissioner Avery thanked Chair Matos for agreeing to bypass the Personnel & Budget Committee's review and recommendation and place this on today's agenda.

The Commission adopted the resolution by a vote of 12 to 0.

Chair Matos introduced a resolution expressing its appreciation to the Governor for restoring PILOT funds to Pinelands municipalities.

Ms. Roth, Ethics Liaison Officer, asked that Commissioner Pikolycky be placed in a Zoom waiting room while the resolution is discussed since he is the Chairman of the Pinelands Municipal Council and the resolution is associated with the Council.

Commissioner Lloyd made a motion Expressing the Pinelands Commission's Gratitude for the Restoration of Payment in Lieu of Taxes Funding to Pinelands Municipalities in Fiscal Year 2022 and Supporting the Pinelands Municipal Council's Request for Continued

Funding in Future Fiscal Years (See Resolution # PC4-22-14). Commissioner Irick seconded the motion.

Acting ED Grogan said so many Pinelands municipalities have a large amount of land in state ownership and don't receive the tax revenue they need.

Commissioner Lohbauer thanked Commissioner Pikolycky for his role on the Pinelands Municipal Council.

The Commission adopted the resolution by a vote of 11 to 0.

Commissioner Pikolycky rejoined the meeting.

Chair Matos introduced a resolution related to the Commission's climate change goals.

Commissioner Jannarone made a motion Amending and Supplementing Resolution PC4-20-37 to Clarify the Objectives of the Pinelands Commission Relative to Climate Change in the Pinelands Area and the Responsibilities of the Pinelands Climate Committee (See Resolution # PC4-22-15). Commissioner Lohbauer seconded the motion.

Commissioner Lohbauer said this resolution supplements a resolution the Commission adopted in 2020 to make reference to the Global Warming Response Act, which calls for the reduction of greenhouse gas emissions. He said going forward this resolution will help define goals for the Commission and the Climate Committee and let the public and applicants know this Commission takes climate change seriously.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Meade was muted during the vote.

#### Guest Speaker

Chair Matos welcomed New Jersey Department of Environmental Protection (NJDEP) Commissioner Shawn LaTourette.

Commissioner Shawn LaTourette said he was excited to see some familiar faces and welcomed the new Commissioners. He said the NJDEP and the Pinelands Commission share an important common mission: protection of the environment and the maintenance of natural resources and public lands. He introduced Sean Moriarty, who serves as his first Deputy and previously served as the Commission's Deputy Attorney General.

Commissioner LaTourette said he has an environmental law degree and spent 20 years working in the private sector. He said he joined the NJDEP about three years ago when Commissioner McCabe asked him to serve as Chief Counsel. He said the NJDEP has an obligation to the people of New Jersey. He said our natural resources belong to the people.

Commissioner LaTourette noted some of NJDEP's key priorities:

- Reduce and respond to the climate crisis. He said he recently provided testimony to the Senate Environmental and Energy Committee about the Global Warming Response Act and the goals of reducing emissions. He said every agency has a role and everyone needs to be engaged in fighting the climate crisis. He said \$20 million was recently invested in an Atlantic White Cedar restoration project. He said saltwater intrusion destroyed numerous spans of Atlantic White Cedar and that is why the planting was pushed inland. He said nature sends us important messages.
- Lower income, minority and indigenous communities have suffered the most environmental injustice, even though the pollution was created by all. He said environmental agencies in New Jersey should create policy together to achieve maximum good.
- NJDEP and the Commission should consider execution of a new Memorandum of Agreement to identify shared priorities and better align regulations on such matters as the protection of wetlands, threatened and endangered species and water quality. Having a consistent approach is important.

Commissioner LaTourette noted that NJDEP has almost no land use authority. By contrast, he said the Commission has significant land use and zoning power over a large portion of the State. Therefore, the Commission can likely achieve things that NJDEP cannot.

Commissioner Lohbauer noted that NJDEP has enforcement capabilities that the Commission does not have.

Mr. Moriarty said he is excited to be working with the Commission again and said that aligning policies is a good step forward.

Commissioner Pikolycky thanked Commissioner LaTourette for restoring funds for open space projects. He asked Commissioner LaTourette if he could provide any guidance or financial assistance for the painting and restoration of historic Fenwick Manor.

Commissioner LaTourette said he would be happy to provide insight and assistance and welcomed the opportunity to visit the Pinelands headquarters.

Acting ED Grogan noted that Chair Matos left the meeting due to prior travel arrangements and that Commissioner Jannarone had also left the meeting.

Vice Chair Avery stepped in to conduct the remainder of the meeting.

Commissioner Lloyd said this is the first time a sitting NJDEP Commissioner has attended a meeting. He expressed his gratitude. He said he looks forward to working with the Department on common goals and he agreed with the Commissioner's earlier comment, that the Commission can do certain things that the Department does not have the authority to do. He added that he looks forward to working with the Department on environmental justice issues.

Commissioner LaTourette said there are many layers to environmental justice and the goal is to limit bad things in the first place. He said sea-level rise will impact the residents of the Delaware Bayshore this decade and the state will see the first climate refugees. He said environmental injustice is not always occurring in urban areas; it affects everyone.

Commissioner Lohbauer said he is encouraged for the future. He said the Commission and the Department should work collaboratively and take advantage of each agency's power and authority.

Vice Chair Avery said he would like to shift gears and discuss the Off-Road Vehicle (ORV) issue on public and private lands. He said he was curious if Park Police and Park Rangers ever requested or suggested a tool that would make their job easier to manage illegal ORV use.

Commissioner LaTourette said the Department is working on a three-point plan that includes:

- Enhanced mapping that highlights the permitted uses;
- An ORV permitting system; and
- Enforcement with progressive fines

He said the Department will embark on public engagement sessions this summer so that it can hear from the users.

Mr. Moriarty added that he recently met with the Pinelands Preservation Alliance and New Jersey Conservation Foundation on this issue. He said he would like to engage directly with Commissioners and staff in April to discuss and exchange ideas about NJDEP's proposed ORV permitting model.

Commissioner McCurry asked Commissioner LaTourette about the status of NJDEP's Natural and Working Land Strategy.

Commissioner LaTourette said the Department is still in the scoping phase but he offered that the Commission staff could be involved in an advisory group when that step comes.

Acting ED Grogan expressed her gratitude for the Commissioner and Mr. Moriarty spending time with the Commission today.

Commissioner LaTourette offered his appreciation to the Commission staff for their work.

#### General Public Comment

Fred Akers of the Great Egg Harbor Watershed Association said he was hoping to ask Commissioner LaTourette some questions. He asked if the Commissioner had plans to allocate funds to the Infrastructure Trust Fund to replenish the Pinelands Infrastructure

Trust Fund. He also said coastal soils should not be dredged and dumped in the Pinelands. He noted that it's a climate change issue.

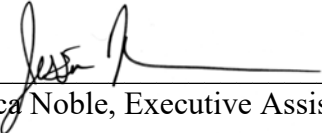
Rhyan Grech from the Pinelands Preservation Alliance said she appreciated the update from staff on the progress at the new GCMA site. She added that she hopes monitoring will occur to ensure that the created habitat is successful. She urged the Commission to require applicants to use independent experts rather than hire their own Threatened and Endangered (T&E) consultants. She added that survey methodologies may need to be reevaluated to best protect T&E species since the CMP offers little guidance. She said that she appreciates Commissioner LaTourette's willingness to partner with the Commission and hopes the Commission will push for application of the most rigorous standards to protect natural resources in instances where the NJDEP and Commission's rules overlap, particularly in the CAFRA area.

Julie Akers of Newtonville, NJ, provided comments about the importance of proper restoration of abandoned resource extraction mines. She said if the mines are not properly restored, ORV users target them for misuse. She said it is a good idea to identify beneficial uses that can be developed on such sites as a way of reducing damage and encouraging restoration.

#### Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 11:39 a.m.

Certified as true and correct:

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

Date: March 18, 2022