

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

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

www.youtube.com/c/PinelandsCommission

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

MINUTES

Members in Attendance: Alan W. Avery, Jr., Theresa Lettman, Mark S. Lohbauer, Douglas Wallner

Members Absent: Jerome H. Irick, Chair Laura E. Matos

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

Staff Present: Gina Berg, Ernest Deman, April Field, Susan R. Grogan, Brad Lanute, Paul Leaken, Joel Mott, Stacey P. Roth, and Steven Simone. Also in attendance was Alexis Franklin with the Governor's Authorities Unit.

1. Call to Order

Vice Chair Avery called the meeting to order at 9:37 a.m.

2. Adoption of minutes from the November 29, 2023 CMP Policy & Implementation Committee Meeting

Commissioner Lohbauer moved the adoption of the November 29, 2023 meeting minutes. Commissioner Wallner seconded the motion. Commissioners Avery, Lohbauer, and Wallner voted to adopt the minutes. Commissioner Lettman abstained. Due to a lack of quorum on this motion, the matter will be carried to the next meeting.

3. Presentation by Thomas Hedden, The East Coast Enduro Association (ECEA)

Executive Director Susan Grogan introduced Thomas Hedden of the ECEA. Mr. Hedden made a presentation on the history of enduro riding in the Pinelands, the goals of the ECEA, and the structure of enduro riding events. (presentation attached)

Commissioner Lohbauer asked for clarification on why electric motorcycles are not used. Mr. Hedden said there is concern about fires generated by malfunctioning lithium batteries and that DEP has permit standards that require street-legal motorcycles. He said the DEP permit standards prevent riders from using electric vehicles.

Mr. Hedden continued his presentation discussing how enduro riders are disqualified for leaving approved trails or riding the trails outside of approved events. He discussed revenue and expenses of hosting an enduro event. He concluded by noting that Commissioner Wallner had

raised a question at a previous P&I Committee meeting about weather effects. Commissioner Wallner said that his question was about whether events are cancelled due to weather. Mr. Hedden said that the New Jersey Department of Environmental Protection (DEP) can cancel an event due to the weather. He said the DEP recently cancelled an event due to lack of staff.

Vice Chair Avery thanked Mr. Hedden and opened the floor to questions from Commissioners.

Commissioner Rittler-Sanchez asked how many riders on average participate in an enduro event. Mr. Hedden said participation ranges between 120 to 400 riders and that ECEA events generally have 225-250 riders. Commissioner Rittler Sanchez asked if there is a sense of carrying capacity of a trail. Mr. Hedden said there is not, and said the single-track trails are primarily on private property.

Commissioner Lohbauer said this is an important issue. He said that he believes enduro activity is in direct conflict with the Commission's mission. Therefore, he has requested that the P&I Committee review whether the Pinelands Commission should continue to permit enduro events and consider damage, economics, and climate impacts. He questioned how enduro events and activities protect the forest.

Mr. Hedden said that permitted events under regulated conditions provide the least possible damage and bring economic benefits to the area. He said that soil disturbance occurs but that does not equate to destruction of the forest. He noted that after an event, the enduro club is required to restore the course to pre-race conditions. He noted a concern with overuse of trails due to the limited number made available by the DEP for events.

Commissioner Lohbauer said he remained concerned that so many people from out of state participated in the Sandy Lane event, which involved a total of 451 riders. He stated that he did not agree with the financial estimates provided by Mr. Hedden and questioned whether any of that money was contributing to the preservation of the Pinelands.

Commissioner Avery said requiring street legal motorcycles is better from his perspective.

Commissioner Lettman asked for clarification about where 600 miles of existing single-track trails was identified. Mr. Hedden cited the original CMP (Comprehensive Management Plan).

Commissioner Avery closed the discussion saying that continued participation by the ECEA is welcome.

4. 2023 Year-end Conformance Summary

Brad Lanute, Chief Planner, presented an overview of the local conformance process, including historical trends, trends seen in 2023 and anticipated activities in 2024. (presentation attached) He reviewed common triggers for municipalities to amend their master plans and land development ordinances as well as which types of ordinances are reviewed administratively by staff and which types require the full review of the P&I Committee and Commission. Mr. Lanute summarized the 2023 conformance matters that required the review of the P&I Committee and the full Commission as well as trends in the master plans and ordinances

reviewed administratively in 2023. He concluded with a summary of expected conformance topics that will likely come up in 2024.

Commissioner Lohbauer asked if any of the model ordinances and guidance documents related to climate resiliency referenced energy projects such as solar and solar storage. Mr. Lanute said that he did not believe so. Stacey Roth, Chief Legal and Legislative Affairs Officer, said the statute requires municipalities to plan for climate related impacts on infrastructure, institutions, and citizenry taking into consideration things such as sea level rise, storm events, and heat waves.

5. Public Comment

Patricia Guthrie, a Pemberton Township resident, commented. Ms. Guthrie asked if the Pinelands Commission regulates forests, wetlands, and stormwater running into wetlands from development. She asked where the Pinelands Commission regulates. She said her specific interest was in stormwater from a new warehouse development in the Birmingham section of Pemberton Township. Executive Director Grogan advised that the Commission does regulate development in forests and wetlands, but only in the Pinelands Area. She noted that the Birmingham section of Pemberton Township is not in the Pinelands Area and that the DEP would have jurisdiction there.

6. Adjournment

There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Lettman seconded the motion. All voted in favor. The meeting was adjourned at 11:16 a.m.

Certified as true and correct:



Date: February 5, 2024

Gina A. Berg,
Director, Land Use Programs



A Presentation for The Pinelands Commission

Policy & Implementation Committee

Enduro & Dual Sport Events
in New Jersey's Pinelands



A Brief History

1918: After WWI, returning doughboys buy cheap, surplus Harley Davidson motorcycles at the Philadelphia Naval Shipyard and hold weekend rides from Philadelphia to Atlantic City.

1934: Inspired by the Jack Pine Enduro in Michigan's Upper Peninsula, Meteor Motorcycle Club holds the first "official" Sandy Lane Enduro in New Jersey's Pinelands

1960's: By the end of the decade, all of the current clubs hosting enduro events in New Jersey exist.

1970's: The Sport of Enduro is formally recognized in the Pinelands Reserve's original Comprehensive Management Plan



What is the ECEA and what is our purpose?

- A non-profit, chartered, member organization of the nationwide American Motorcyclist Association
- Provide event series administration for our 19 member clubs in DE, NY, NJ and PA
- Events include enduros, dual sport rides, hare scrambles and youth fun rides
- We hold an annual banquet to recognize our outstanding riders and volunteers and provide 4 annual scholarships for young riders seeking to further their education in diverse fields
- Club members are locals. We're volunteer firefighters, youth coaches, tradesmen, entrepreneurs, school teachers and professionals with an age range from 18 to 80+

If you live in the Pinelands, you know an enduro rider!



The Two Types of Events Held by the ECEA on Public Land in New Jersey

Enduro

- A competitive time-keeping event
- All motorcycles are street-legal, registered and insured
- Generally lighter, more nimble bikes, with specialized equipment for enduro competition
- All riders must have a valid motorcycle license

Dual Sport

- A non-competitive “fun” ride
- All motorcycles are street-legal, registered and insured
- Generally larger, more comfortable bikes, softer suspensions with light cargo carrying capacity
- All riders must have a valid motorcycle license

Note: All ECEA Youth Events and Hare Scrambles are held completely on private property

What exactly is meant by a time-keeping event?

- Enduros are competitive events but they're not races.
- **Winning means staying on schedule**, not getting ahead or falling behind
- Timing is measured at "checks" along the course
- Points are given for being early or late and like golf, low score wins. **Early riders get more points than late ones.**
- The event is broken down into many sections and riders are stopped and "reset", periodically throughout the course
- **Roads (sand or paved) are rarely used for the competitive portions of an event**
- Groups of four or five riders start each minute and try to maintain an established speed, usually 18 MPH, through a section
- The idea for the hosting club is to make it a challenge to stay on schedule



Why all the secrecy?

- It would present an unfair advantage for a competitor to know the course ahead of time
- Riders absolutely cannot “practice” or pre-ride an enduro and would be heavily sanctioned, even disqualified if caught. **Returning** to a course after an event **is also grounds for** future sanction, including **disqualification**.
- The exact route of the event is kept from all potential competitors. It is known only to the hosting club and reviewing agencies (The Pinelands Commission and The NJ DEP)
- The general area where events are held is not secret, nor is the timing; both are available online, and widely shared with other user groups



Follow the money...

▶ A generic* example of the finances involved with holding a NJ Enduro

225 participating riders are charged \$50 each = \$11,250

Shirt Sales = \$1,750

Expenses:

NJ DEP permit fee, staffing and Park Police: \$2,000

NJ Pinelands Commission fee (\$6.25/mile): \$500

Other State & Municipality Permit Fees: \$500

Site Fees: port-a-johns, trash removal, land owners: \$2,500

EMS Services Donation: \$2,100

Course Expenses and Printing: roll charts, forms, markers, ribbon, signage: \$500

Electronic Event Scoring: \$1,000

AMA Sanctioning and Event Insurance: \$700

ECEA Event Administration: \$1000

Rider Awards and give-a-ways: \$750

Total Expenses: \$11,550

The non-profit Hosting Club clears **\$1,450**

This is generally used to fund the club's operating costs like equipment rentals, maintenance items and administration; anything that remains is used for member activities and charitable donations.

** Each club functions under unique circumstances and employs its own strategies to balance the books; these numbers are general estimates and provided to illustrate the "ballpark" of costs and income sources.*

Out of State Riders? Yes, and proud of it!

- ECEA events do draw participants from DE, NY, PA and even as far as CT and OH.
- They generally camp or stay in nearby lodging and they spend money.
- This is an important form of tourism that provides revenue for the Pinelands region in the off-season when most other attractions are closed.
- Restaurants, gas stations, motels, motorcycle shops and hardware stores are the most likely businesses to benefit but the positive impacts extend beyond that as local EMS, volunteer fire companies, scout troops and hunting clubs are paid to provide support services and they host fund-raising dinners and breakfasts.

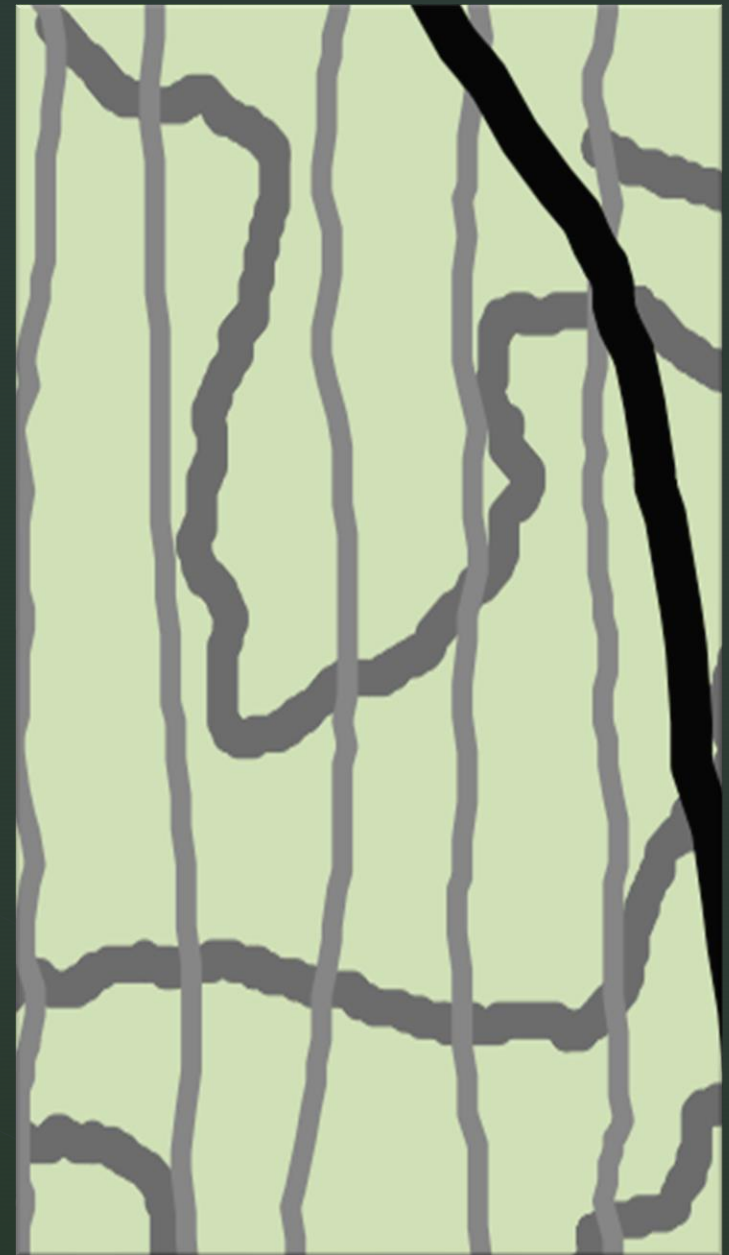


A Few Details and Facts About the ECEA

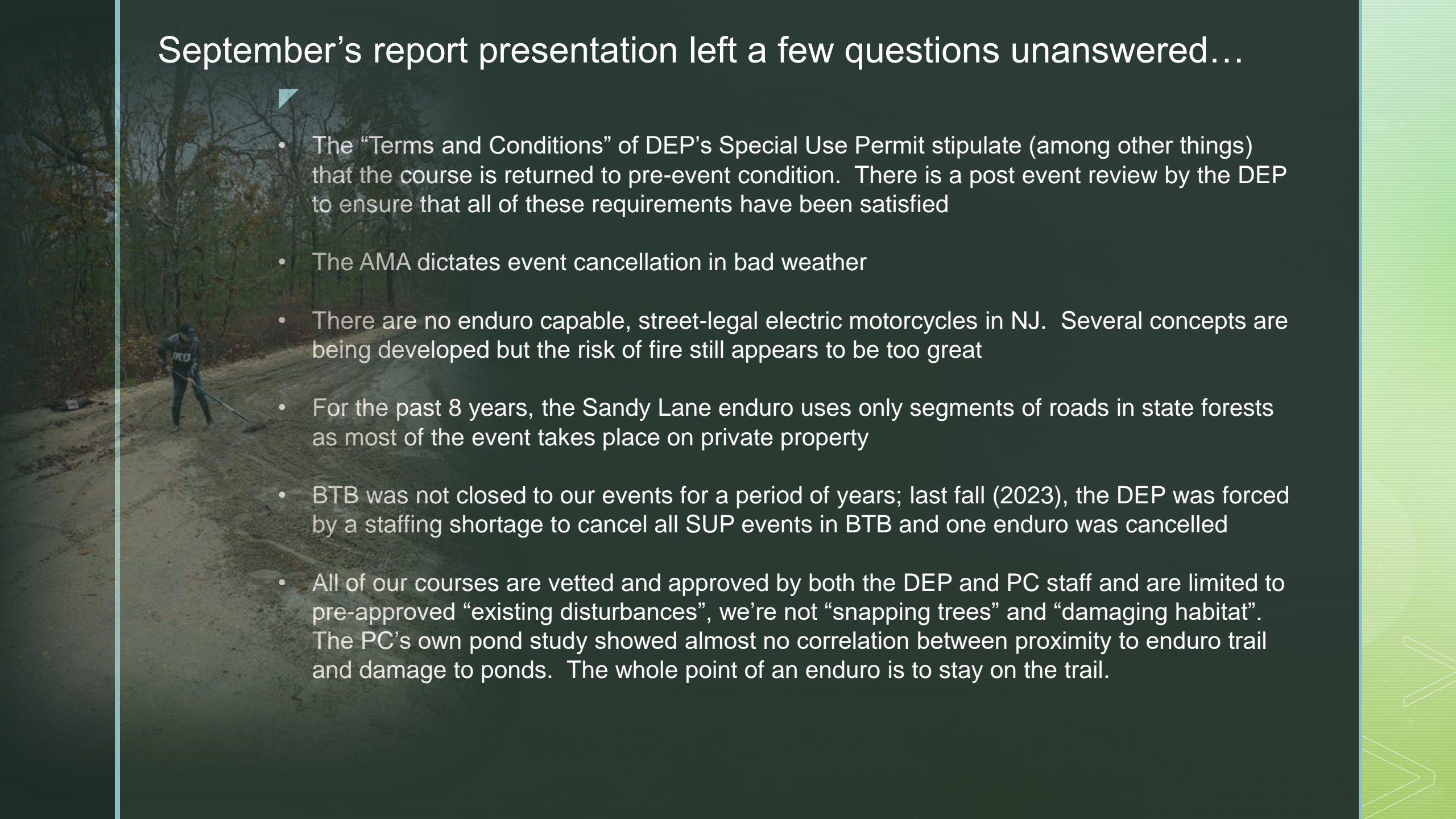
- To minimize impacts on wildlife and plant species, the DEP only permits ECEA events to take place from **October 15th – April 15th**
- For over a decade, all of our events have taken place on pre-approved menus of available course inventory established by the NJ DEP with input from PC staff.
- In 2017 the DEP asked us to work with the environmental advocacy organizations, PPA and NJCF, on a compromise plan for managing enduro events on Public Land. This effort produced a joint principles document signed by all three organizations. We use this to guide our advocacy, especially with regard to the creation of the recent BTB Enduro Menu
- **The ECEA has been recognized by the NJ DEP for our volunteer efforts**
- We have members in and liaisons to, among many others, The NJ State Federation of Sportsmen's Clubs, OTNJ, and Tread Lightly; we are also represented on NJ Trail's Program Council.
- Our knowledge of the woods is put to good use volunteering for the forest fire service, local CERT crews and helping ensure that trails are safely marked for equestrian events

Single Track Trail

- The challenge of riding on tight, windy trail that is wide enough only for a single motorcycle tire is the essence of the sport of enduro
- The original CMP asserts the existence of over 600 miles of single-track enduro trail within the Reserve
- The DEP did not include any single-track trail on the initial menus of available course inventory in NJ's state forests
- The ECEA has advocated with the DEP ever since for permission to use the existing trail that traditionally made up our courses
- In 2016 the DEP and ECEA completed a limited "test case" in Belleplain SF to show that the ECEA could provide accurate GSP mapping. This test yielded a stretch of a few miles of single-track that is allowed for our events in that forest
- The test also led to the five-year process of the ECEA, PPA, and NJCF, working with the DEP and the PC staff to create the recent BTB Enduro Menu that contains about 60 miles of single-track trail.
- What the future holds is not certain but for now, all enduro events in the rest of NJ must use private property for any sections of single-track trail



September's report presentation left a few questions unanswered...

- 
- The “Terms and Conditions” of DEP’s Special Use Permit stipulate (among other things) that the course is returned to pre-event condition. There is a post event review by the DEP to ensure that all of these requirements have been satisfied
 - The AMA dictates event cancellation in bad weather
 - There are no enduro capable, street-legal electric motorcycles in NJ. Several concepts are being developed but the risk of fire still appears to be too great
 - For the past 8 years, the Sandy Lane enduro uses only segments of roads in state forests as most of the event takes place on private property
 - BTB was not closed to our events for a period of years; last fall (2023), the DEP was forced by a staffing shortage to cancel all SUP events in BTB and one enduro was cancelled
 - All of our courses are vetted and approved by both the DEP and PC staff and are limited to pre-approved “existing disturbances”, we’re not “snapping trees” and “damaging habitat”. The PC’s own pond study showed almost no correlation between proximity to enduro trail and damage to ponds. The whole point of an enduro is to stay on the trail.

Our Goals

- Not all motorcycle riders are part of the ECEA nor can we speak to or be held responsible for their actions. We work hard to be responsible members of the Pinelands Community and strive to abide by all laws and further, to honor the rules and policies of the Pinelands Commission.
- We hope to be seen for and judged for our actions alone and pledge to provide as much transparency and information about our activities as possible to the various governing agencies as well as the general public.
- When necessary, we will act as all responsible citizens should and report any abuses we witness to the the appropriate authorities.
- We will continue to advocate for our sport and work with the greater regional community to ensure that the Pineland's unique character remains intact for future generations to enjoy.



Local Conformance Year in Review 2023

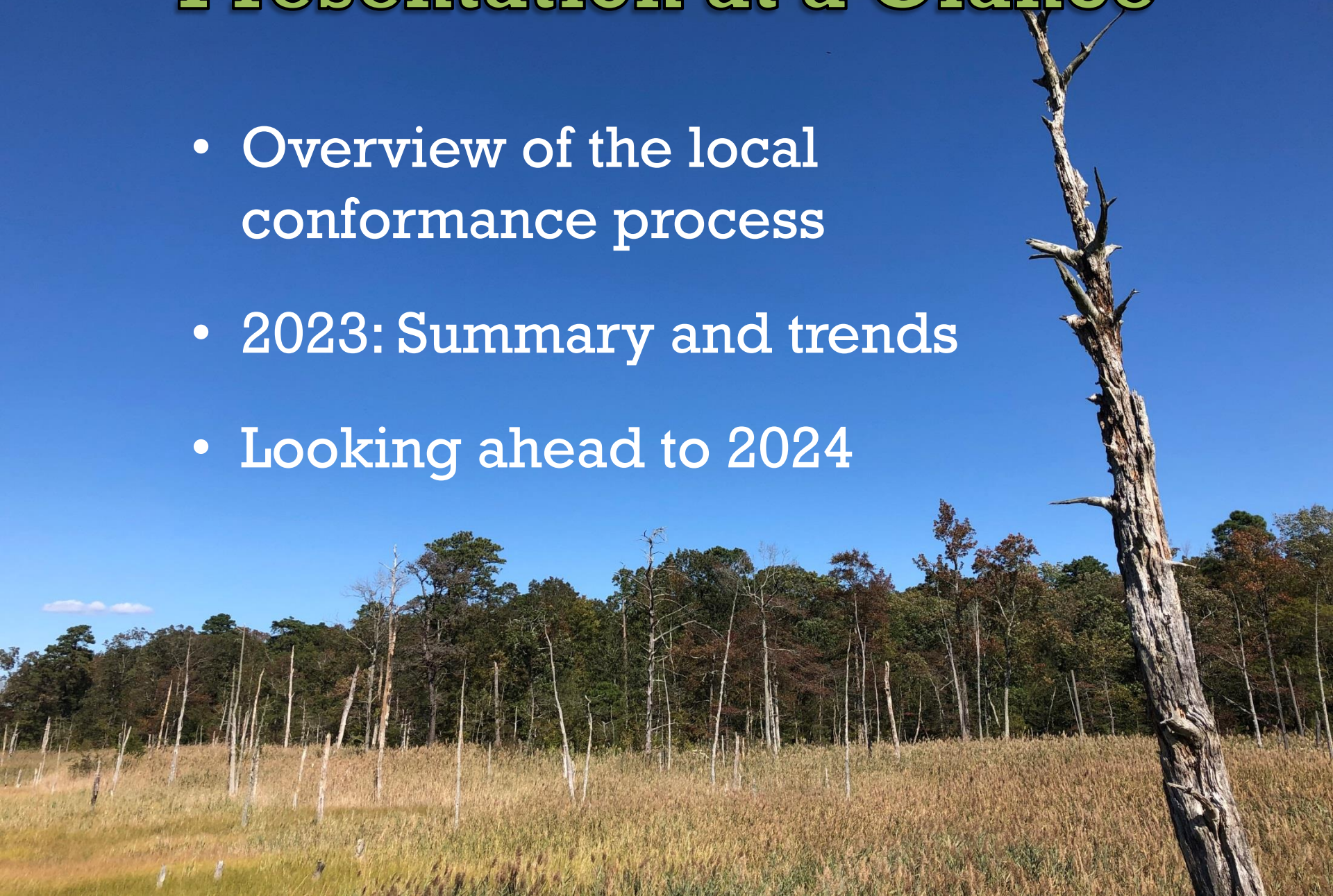


**CMP Policy and Implementation
Committee**

January 26, 2024

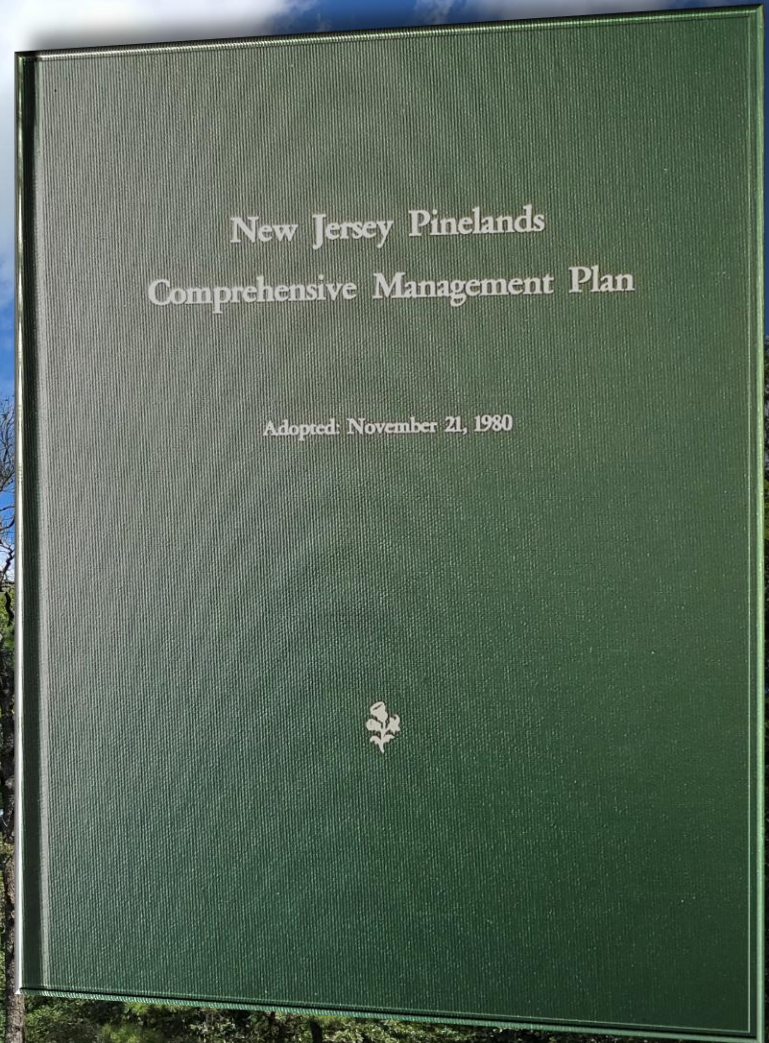
Presentation at a Glance

- Overview of the local conformance process
- 2023: Summary and trends
- Looking ahead to 2024

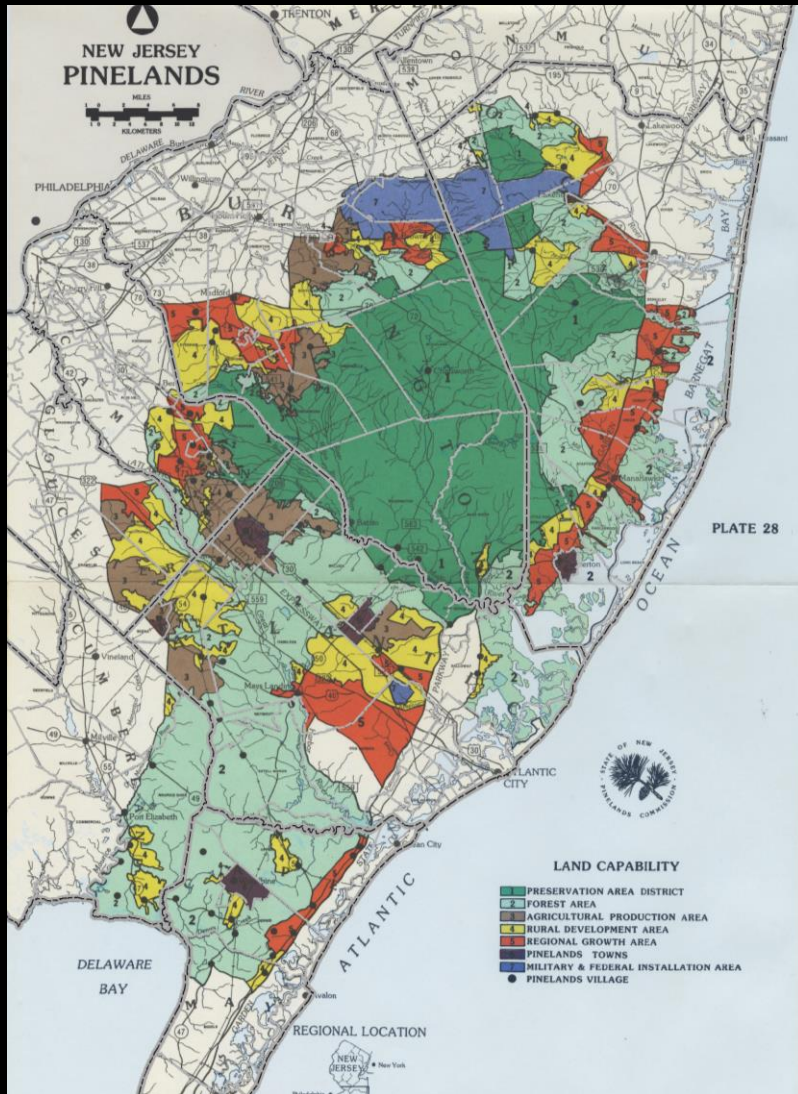


Conformance in the Pinelands

- The Pinelands Protection Act requires all counties and municipalities with land in the Pinelands Area to revise their master plan and land use ordinances to implement the objectives and standards of the Pinelands CMP.
- This conformance process is implemented by rules contained in the Pinelands CMP.



Coming into Conformance

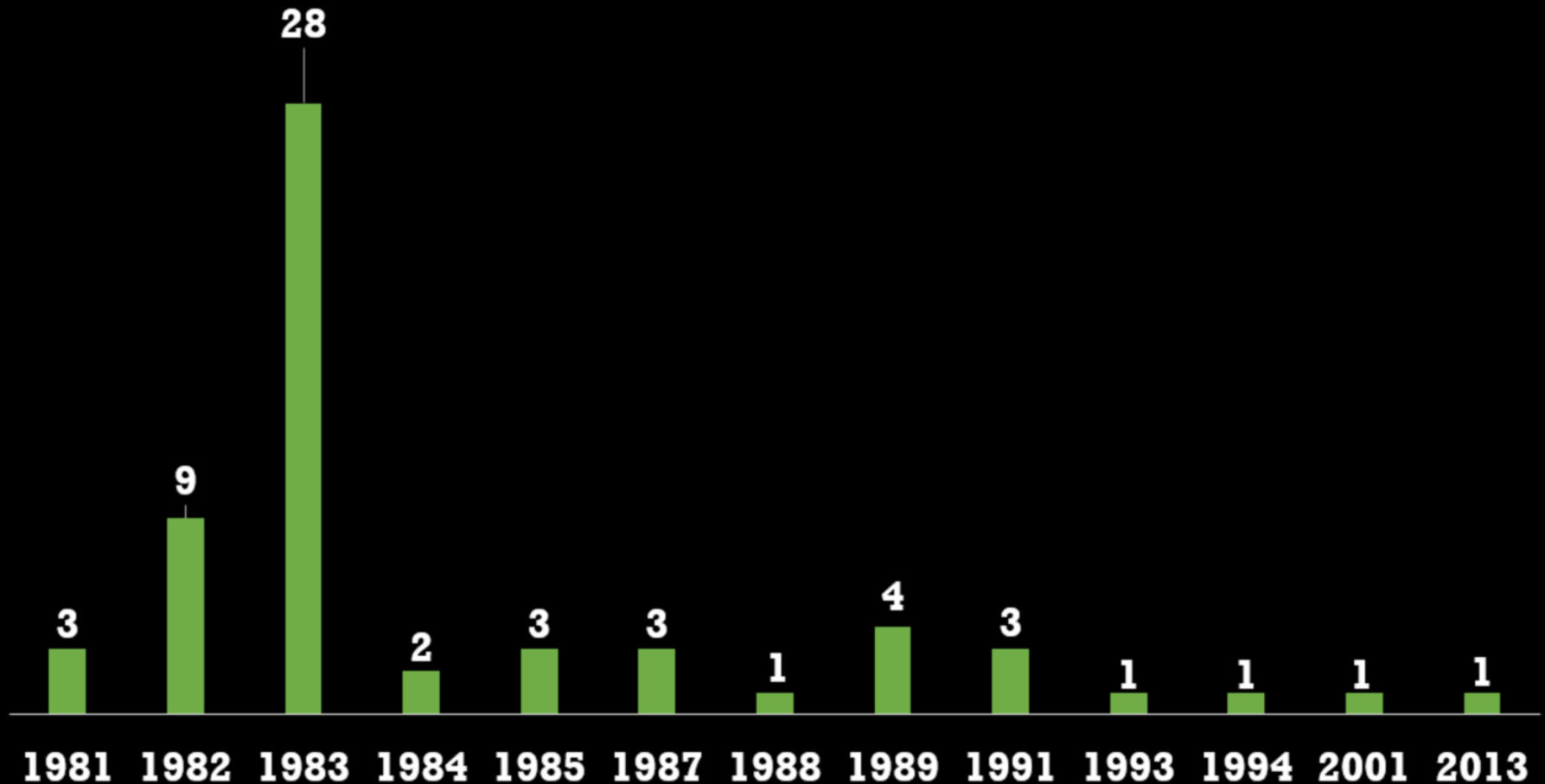


Original Pinelands Land Capability Map

Municipalities had to:

- Adopt CMP environmental standards
- Align zoning plan with the CMP land capability map
- Align permitted uses and intensities with Pinelands management areas
- Delineate Pinelands Villages
- RGAs needed to meet residential density requirements and provide PDC opportunities

Initial Certification of Counties & Municipalities by Year



Reaching a Milestone

As of October 2013, the Commission has certified the master plans and ordinances of all 53 Pinelands municipalities and all 7 Pinelands counties.

25
RILEY GARWOOD HOUSE
THIS CLASSIC 18TH CENTURY
GEORGIAN HOUSE OF FLEMISH BOND
BRICK WAS BUILT c. 1715. NOTE
THE BELT COURSE ON THE 2nd
FLOOR AND THE WATERTABLE BRICK
DETAILS ON THE FIRST FLOOR.

1847-1897

An Ongoing Process

A photograph of a pond filled with green lily pads and several water lilies in various stages of bloom. The water is dark, and the background shows reflections of trees and sky.

The CMP requires Commission review and approval of all master plan and land use ordinance amendments before they take effect.

Common triggers:

- Updates to state law
- Updates to the CMP
- Affordable housing rounds
- Master plan reexaminations
- Community planning
- Changes in market conditions

Materials Submitted

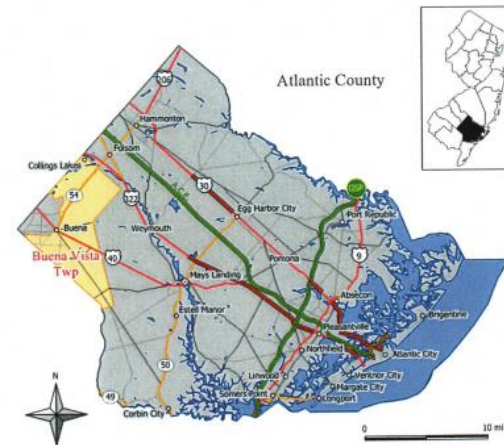
Master plans

- Reexamination reports
- Land use elements
- Housing element and fair share plans
- Open space and recreation plans
- Public facilities plans
- Coastal resiliency plans

2022 Master Plan Reexamination Report Township of Buena Vista Atlantic County, New Jersey

Adopted after a public hearing by Resolution # 2-2022 by the
Township of Buena Vista Joint Land Use Board on October 20, 2022

Certified by the Pinelands Commission on _____

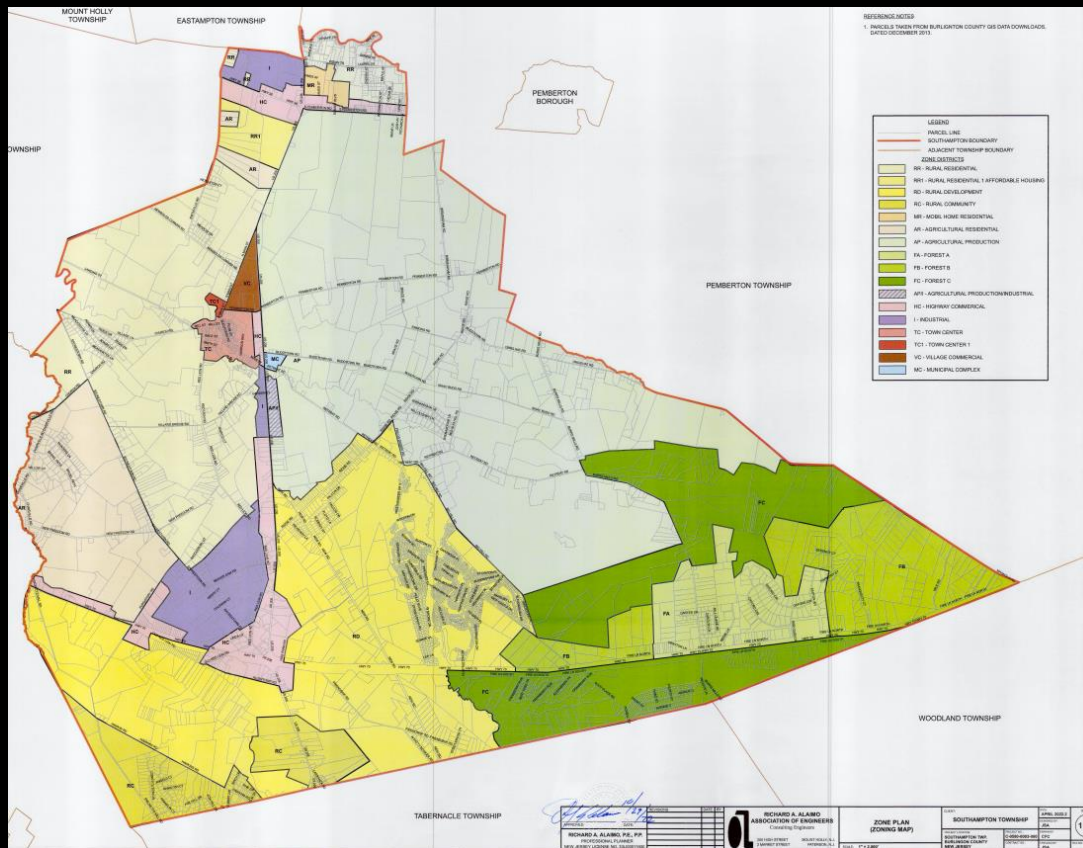


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Materials Submitted



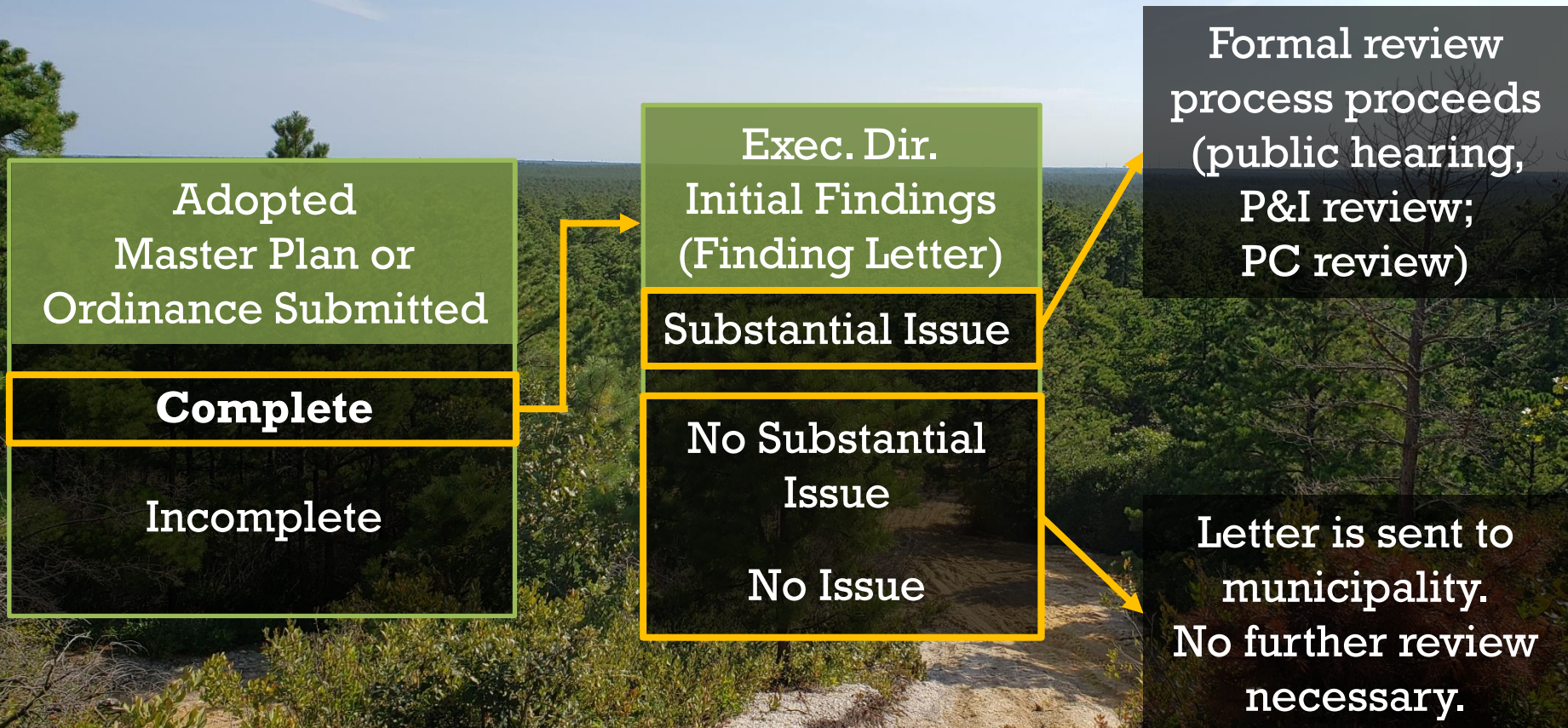
Ordinances

- Zoning maps
- Redevelopment plans
- Permitted uses
- Bulk standards
- Design Standards
- Signage
- Fees
- Permitting procedures

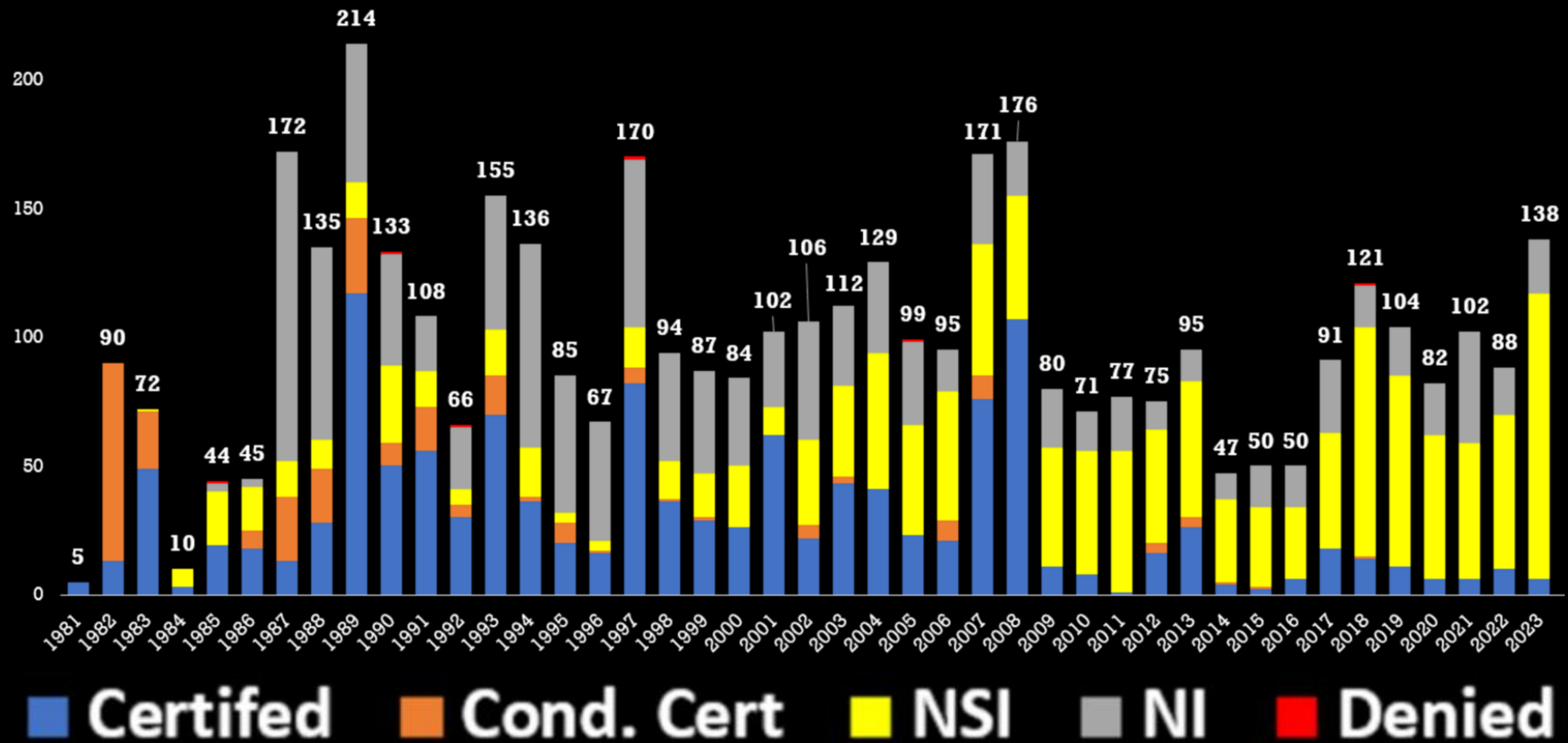
Municipal Officials Involved

- Clerks
- Administrators
- Community Development Directors
- Consulting planners/engineers
- Municipal attorneys
- Planning Board Secretaries
- Mayors/Governing Body

Submission and Staff Findings



Master Plans & Ordinances Reviewed 1981-2023



2022-2023 Conformance Activity

	2022	2023
Master Plans/Ordinances Received		
Adopted	109	137
Drafted or Introduced	86	71
Total*	137	142
Master Plans/Ordinances Reviewed		
Substantial Issue Finding	8	6
No Substantial Issue Finding	61	111
No Issue Finding	18	21
Total	88	138
Finding Letters Issued	58	106

*Does not double count ordinances that were submitted as drafts

Ordinances Reviewed by P&I Committee and the Commission

Monroe Township

- Hexa Builders Redevelopment Plan (RGA)
- Goal of the plan is to facilitate the development of warehousing
- Included a mandatory PDC requirement for non-residential uses

Waterford Township

- Haines Boulevard Redevelopment Plan (RGA)
- Established an Industrial Overlay Zone to facilitate the development of warehouses
- Included a mandatory PDC requirement for non-residential uses in the overlay zone
- Eliminated streamlined permitting procedures in the redevelopment area

Ordinances Reviewed by P&I Committee and the Commission

Bass River Township

- 2022 Master Plan Reexamination and implementing ordinance
- Revised zoning map establishing new infill areas
- Updated permitted uses and min. lot size requirements in the Village of New Gretna

Pemberton Township

- Spruce Boulevard/Junction Road Redevelopment Plan (RGA)
- Included a mandatory PDC requirement for market-rate residential development
- Residential units made affordable to low- and moderate-income exempt from PDC requirement

2023 Trends

No Substantial Issue Findings

- Response to 2022 CMP stormwater amendments (~50)
 - Model ordinance development/distribution
 - Adoption tracking
- Redevelopment plans (~14)
 - 4 new redevelopment plans/10 amendments
 - Solar on landfills
 - Cannabis
 - Affordable housing
 - Redevelopment of commercial properties
- Cannabis-related zoning changes (~10)

2023 Trends

No Substantial Issue Findings

- Master Plan Reexamination Reports
- Zoning changes not requiring management area change
- Changes to permitted uses within a zone
- Warehouse standards
- Various bulk, area, design, signage and use standards
- Electric vehicle supply/service equipment ordinances (response to P.L. 2021, c. 171)
- Ordinance amendments in Certified PNR Areas

2023 Trends

No Issue Findings

Ordinances Applicable Outside the Pinelands Area

- Stormwater control ordinances (NJDEP Model)
- Redevelopment plans
- Zoning changes
- Historic landmark designations

Regulations not related to the standards of the CMP

- Zoning map updates consistent with certified zoning
- Cannabis licensing procedures and standards (not zoning)
- Recodification of regulations without amendments
- Application fees (exclusive of forestry application fees)
- Lead-based paint inspections (response to P.L. 2021 c.182)
- Privately-owned salt storage (MS4 Tier A ordinances)

Post-Certification

Tracking what's been approved

Data

- Conformance process tracking
- Database of certified zoning
- GIS zoning layers (interactive map)
- Physical files

Users

- Commission Land Use Programs Office
- Commission Regulatory Programs Office
- Counties/Municipalities (interactive map)
- Developers/Property Owners

What's Ahead in 2024

- Distribution of model ordinances implementing:
 - December 2024 CMP amendments (KC rules)
 - July 2023 NJDEP stormwater amendments
- Redevelopment plans, including more like Monroe and Waterford Townships
- Ongoing local responses to cannabis and warehouse economy
- Keeping up with 3rd round affordable housing obligations (...and 4th round coming soon!)
- Climate Change-Related Hazard Vulnerability Assessments (in response to P.L. 2021, c.6) (?)
- ...and the unexpected

Questions?

