

Disclaimer

These minutes reflect the actions taken by the Commission during its December 8, 2023 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 December 12, 2023.

PINELANDS COMMISSION MEETING

MINUTES  
December 8, 2023

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=Lhnz7ASY8nE>*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., John Holroyd, Theresa Lettman, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky and Douglas Wallner. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jay Stypinski and Governor's Authorities Unit representative Alexis Franklin.

Commissioners Absent

Dan Christy, Jerome H. Irick and Laura E. Matos.

Call to Order

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

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

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

The Commission pledged allegiance to the Flag.

## Minutes

Vice Chair Avery presented the closed session minutes from the Commission's November 9, 2023 meeting. Commissioner Pikolycky moved the adoption of the closed session minutes. Commissioner Lohbauer seconded the motion.

The closed session minutes from the November 9, 2023 Commission meeting were adopted by a vote of 8 to 0. Commissioner Holroyd abstained from the vote.

Vice Chair Avery presented the open session minutes from the Commission's November 9, 2023 meeting. Commissioner Pikolycky moved the adoption of the open session minutes. Commissioner Lohbauer seconded the motion.

The open session minutes from the November 9, 2023 Commission meeting were adopted by a vote of 9 to 0.

## Committee Reports

Vice Chair Avery provided a summary of the November 29, 2023 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the October 27, 2023 meeting.

The Committee reviewed a draft Memorandum of Agreement (MOA) with Pemberton Township. The MOA would permit the Township to surface existing trails in wetlands and wetlands buffers at Pemberton Lake. A public hearing on the agreement will be held in December. The Committee agreed that if there are no substantive changes after the public hearing, the MOA could proceed to the full Commission meeting in January 2024 for consideration.

The Committee also discussed a package of CMP amendments. The draft amendments cover application fees, expiration of waivers, Certificates of Filing and Certificates of Completeness, allocation and use of Pinelands Development Credits, protection of the Black Run Watershed and vegetation maintenance in electric transmission rights of way. All Committee members indicated support for the amendments. Staff will complete and submit the full rule proposal to the Governor's office for approval.

## Executive Director's Report

ED Grogan provided information on the following matters:

- The grant for the preservation of Fenwick Manor is currently working its way through the legislative process. The appropriations bill was recently approved by the Assembly, and is currently awaiting a vote from the Senate. Staff recently met with the Division of Property Management and Construction (DPMC) to discuss the procurement process.

DMPC will assist with drafting a scope of services for the preservation project and a Request for Proposal (RFP) for design work and another RFP for the construction.

- As part of the Fenwick Manor preservation project, telephone and internet equipment currently located in the basement will be moved to a more suitable location on the property. Verizon Staff is currently in the process of running fiber optic cable to facilitate the relocation.
- Recent Pinelands Development Credit severances have resulted in permanently protecting just over 400 acres in the Preservation Area District and the Special Agricultural Production Area.

ED Grogan introduced a new Commission staff member, Jared Schmidt, who joined the Information Systems Office this week and will be assisting with database design and web development. She said Jared recently graduated from the College of New Jersey and is from South Jersey.

ED Grogan also introduced Alexis Franklin, who replaced Janice Venables as the representative from the Governor's Authorities Unit.

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

- Staff have been assisting Mullica Township with a proposal to construct a public safety building at the municipal complex, which is located in the Village of Elwood. There is a mold issue in the basement of the existing municipal building where the police department was located. Staff notified the township administrator that it would be necessary to convert the existing septic system to an alternate design septic system that treats the wastewater due to the size constraints of the lot and existing development.
- An application was recently submitted to the Commission for the change of use of the Bass River Township elementary school to a private overnight boarding school. The proposal has received a great deal of interest from local residents and there have been a few newspaper articles on the matter.

Stacey Roth, Chief, Legal and Legislative Affairs, said any pending legislation that is not adopted prior to December 31, 2023 will need to be reintroduced in January 2024 when the 221<sup>st</sup> Legislature session commences. She said there are a few warehouse bills that have been introduced but are not specifically related to the Pinelands. She noted that Assembly bill A5809 expands the list of eligible Pinelands Infrastructure Trust Fund projects to include water supply.

Paul Leakan, Communications Officer, said the 2024 Pinelands wall calendars are available free-of-charge at multiple state parks and at the General Store at Whitesbog Village. He said the calendar is funded by the National Park Service and printed at Rowan College at Burlington County. He thanked numerous experts who helped to identify the animal species that are featured in the calendar.

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

- The water management rules were published in the New Jersey Register on December 4<sup>th</sup>. An internal implementation team has been established. The team is in the process of generating guidance documents to post on the Commission's website in anticipation of future applications.
- Staff is in the process of refining rule package one in preparation to send to the Governor's office.
- Staff is working on an annual report for National Park Service funding.
- Staff recently evaluated existing Pinelands Management Area boundaries. The findings and recommendations of the assessment will be presented to the Climate Committee.

#### Public Development Projects and Other Permit Matters

Vice Chair Avery introduced a resolution for the construction of two parking areas and concrete walkways at a high school in Hamilton Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1985-0204.011) (See Resolution # PC4-23-43).  
Commissioner Asselta seconded the motion.

The resolution was adopted by a vote of 9 to 0.

Vice Chair Avery introduced a resolution for a Waiver of Strict Compliance to build a single-family dwelling in Monroe Township.

Commissioner Asselta made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0139.003) (See Resolution # PC4-23-44).  
Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 9 to 0.

#### Ordinances Not Requiring Commission Action

Vice Chair Avery read the list of ordinances:

- Buena Vista Township 2022 Master Plan Reexamination Report
- Buena Vista Township Ordinance 136-2023
- Monroe Township Ordinance O:35-2023

Commissioners did not have any questions.

Other Resolutions

Vice Chair Avery introduced a resolution scheduling regular Pinelands Commission meeting dates for 2024.

Commissioner Pikolycky made a motion Scheduling Regular Pinelands Commission Meeting Dates for 2024 (See Resolution # PC4-23-45). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 9 to 0.

General Public Comment

Jason Howell of the Pinelands Preservation Alliance asked how the Commission created a task force to rezone a parcel (Peg Leg Webb) in Jackson Township from a Rural Development Area to a Forest Area.

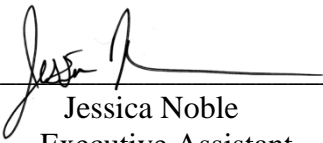
ED Grogan said the task force Mr. Howell is referencing was established to study the Toms River Corridor and recommend ways to protect critical habitat in the area. The task force was comprised of municipal, county, state, non-profit and Commission representatives, among others. The resulting Toms River Corridor Plan called for multiple management area and zoning changes along with land preservation.

Mr. Howell said the Pole Bridge Forest that is subject of a large residential development project in Pemberton Township should not be designated as Regional Growth Area because of the area's high-value habitat.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 9:54 a.m.

Certified as true and correct:

  
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Jessica Noble  
Executive Assistant

Date: December 12, 2023