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State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

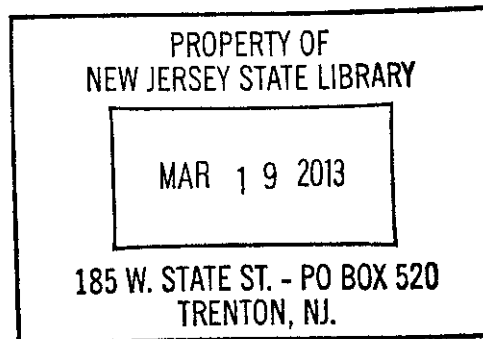
General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

March 11, 2013

Mr. Robert Lupp
State Library – NJ Reference Section
185 West State Street
P.O. Box 520
Trenton, New Jersey 08625



Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes for February 8, 2013 for your information.

Sincerely,

Melody A. Wood
Receptionist

PC1
Enclosure: Minutes

PC2-9

PINELANDS COMMISSION MEETING¹
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

February 8, 2013

Commissioners Present

Candace Ashmun by telephone, Bill Brown, Joe DiBello, Sean Earlen, John Haas, Leslie Ficcaglia, Paul E. Galletta, D'Arcy Rohan Green, Robert Jackson, Ed Lloyd, Ed McGlinchey, Richard Prickett and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Gary Quinn and Fran Witt.

Chairman Lohbauer called the meeting to order at 9:35 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

PC2-10

Minutes

Chairman Lohbauer presented the January 11, 2013 Commission meeting minutes. Commissioner Haas moved the adoption of the minutes. Commissioner Ficaglia seconded the motion.

The minutes of the January 11, 2013 meeting were adopted by a vote of 12 to 0, with Commissioner Rohan Green abstaining.

Committee Chairs' Reports

Plan Review Committee

Chairman Lohbauer updated the Commission on action from the January 11, 2013 Plan Review Committee meeting.

The Committee approved the December 14, 2012 meeting minutes.

Staff reviewed the types of data being requested from the Commission's MIS office for analysis in the Project Review chapter of the Plan Review Report.

Staff indicated that the first-round rule proposal, which will include items intended to increase staff efficiency as well as a necessary update to the alternate design septic system pilot program requirements, is being drafted.

The Committee discussed the remaining topics raised by public commenters.

The next steps:

- Staff will summarize the topics identified for further consideration for the second-round rule proposal.
- Staff will provide a review of the state redevelopment statutes and their conflicts, if any, with the CMP.
- Staff will provide an overview of the Ecological Integrity Assessment (EIA) and how the results may be used.
- The February 8, 2013 Plan Review Committee meeting has been canceled.

Two members of the public spoke.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- A call up hearing was held at the Commission's headquarters for a mining application in Woodland Township.

PC2-11

- Staff met with the New Jersey Builders Association (NJBA). NJBA is very interested in the PDC program and will be meeting with Mr. Liggett as Plan Review continues.
- The Pinelands Municipal Council met on January 29th in Manchester, and an update was given by both NJDEP and the Commission on new septic rules and the Commission's alternate technology program. The Council is struggling with attendance issues and has not had a quorum since the July 2012 meeting. Paul Leakan and Ms. Wittenberg will discuss some options to help the Council increase designee turnout.

Mr. Larry Liggett updated the Commission on the following:

- The final draft of the Long Term Economic Monitoring report is almost complete. Joe Sosik has been key in completing the last of the updates.
- DEP has issued a Treatment Works Approval for the four new septic systems, which the Commission has opted to add to the existing Pilot Program. The Pilot Program now has a total of seven alternate design systems to choose from.
- A number of years ago the Commission worked with a couple of towns on a project called the Pinelands Excellence Program. The programs worked on enhancements and development needs of the towns. Egg Harbor Township was one of those towns, and the program identified 32 recommendations, one of which was to develop a new exit on the Garden State Parkway. Recently, Egg Harbor Township officials met with Commission staff to discuss the potential for the new Parkway interchange.

Ms. Stacey Roth provided an update on the Robert Miller Airpark project:

- The County is moving forward with the crosswind runway project. In doing so, the County found new clusters of sickled leaf golden aster plants in the vicinity of the taxiway and runway. However, Amy S. Greene Environmental Consultants has surveyed the site and confirmed there will not be an adverse impact to the population. The population at the Airpark is thriving. When the project is complete, there will be 3,000 more plants than at the time the MOA was signed.

Public Development Projects and Other Permit Matters

Commissioner Ficcaglia moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1984-1305.029) (See Resolution # PC4-13-07). Commissioner Jackson seconded the motion.

Commissioner Prickett asked where the proposed fence was being placed.

Mr. Ernest Deman said that the fence was being installed around an existing building on the Correctional Facility site that currently has no fencing. He said this specific building is a minimum security area and is located in the northwest portion of the parcel.

PC2-12

Commissioner Ashmun said that in the future, if development is to occur near wetlands, the Public Development Report should specify what type of construction debris/materials are permitted and how the wetlands are to be protected.

Mr. Horner said that he agreed and thinks it is an excellent suggestion.

Commissioner Prickett asked about the sewage treatment plant where the Prison and Correctional Facility discharges its waste.

Mr. Liggett said that the treatment plant was upgraded a couple of years ago and is located outside the Pinelands Area.

The Commission adopted the resolution by a vote of 13 to 0.

Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda.

Public Comment on Agenda Items and Pending Public Development Applications

Ms. Theresa Lettman of the Pinelands Preservation Alliance provided comments on the following applications:

1981-1833.066-Stockton Tennis Courts- Ms. Lettman said she is concerned because the tennis courts being developed are in an area with a high Ecological Integrity Assessment (EIA) score and the development envelope looks very different from Stockton's certified master plan. (See submitted written comments).

1981-1833.065-Stockton Forest Stewardship Plan- Ms. Lettman said she was hoping for more protection of the land and less impact on a forest with such a high EIA score. (See submitted written comments).

2012-0109.001- Manchester Water Main Extension- Ms. Lettman said that PPA has concerns that the proposed water main will disturb the road shoulder. They hope that any revegetation will be done with native Pineland Species.

Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Pemberton Township Ordinance 17-2012
- Plumsted Township Ordinance 2012-17
- Vineland City Ordinance 2012-50

Other

Commissioner Ashmun requested that, where applicable, Public Development Reports mention whether lands are part of the ROSI (Recreation and Open Space Inventory) or some diversion of Green Acres.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Jay Mounier requested a copy of the quarterly management report.

Mr. Leakan said the report would be posted to the Commission's website and distributed shortly.

Other

Commissioner McGlinchey said that at the January Commission meeting, a public commenter made accusations that were unjust. He said that if the commenter thinks there is illegal activity happening at the Commission, the appropriate place to present evidence is at the prosecutor's office.

Chairman Lohbauer agreed that if someone has knowledge of illegal activity there is an obligation to report that activity to the appropriate authorities. He said however that he will allow members of the public to make their comments.

Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss acquisition and anticipated litigation matters.

Commissioner Lloyd moved to retire into closed session. Commissioner Jackson seconded the motion. The Commission agreed to retire into closed session by a vote of 13 to 0.

The Commission met in closed session, starting at 10:18 a.m.

Return to Open Session

Chairman Lohbauer reopened the public portion of the meeting at 10:24 a.m.

D.D. Residential LP

Ms. Roth said that in closed session, a potential settlement regarding D.D. Residential was discussed. She provided a brief history of the D.D. Residential matter. The applicant lost in both the Office of Administrative Law and the Appellate Division. Ms. Roth said the settlement requires the applicant to purchase and redeem 45.75 PDC's in order to proceed with the proposed development.

PC2-14

Chairman Lohbauer asked for an oral motion to authorize Ms. Wittenberg to sign the settlement.

Commissioner McGlinchey moved to authorize Ms. Wittenberg to sign the Stipulation of Settlement. Commissioner Lloyd seconded the motion and all were in favor.

Other

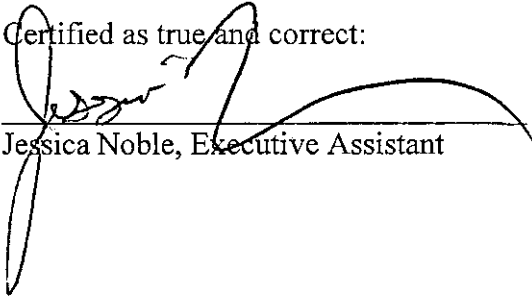
Commissioner Prickett mentioned that the annual Pinelands Short Course is coming up and he encouraged his fellow Commissioners to participate.

Ms. Wittenberg said that it is a free event for members of the Commission.

Adjournment

Commissioner Ficaglia moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 10:30 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: _____

2/13/13



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 07

TITLE: Approving With Conditions an Application for a Public Development (Application Number 1984-1305.029)

Commissioner Ficcaglia moves and Commissioner Jackson seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for a Public Development be approved with conditions:

1984-1305.029 NEW JERSEY DEPARTMENT OF CORRECTIONS, Maurice River Township, Rural Development Area, installation of 3,850 linear feet of perimeter fencing, construction of a 48 square foot security guard booth and an approximate 3,920 square foot paved fire truck turnaround (Date of Report: January 18, 2013).

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; 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; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for Public Development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development is hereby approved subject to the conditions recommended by the Executive Director.

1984-1305.029 NEW JERSEY DEPARTMENT OF CORRECTIONS, Maurice River Township, Rural Development Area, installation of 3,850 linear feet of perimeter fencing, construction of a 48 square foot security guard booth and an approximate 3,920 square foot paved fire truck turnaround (Date of Report: January 18, 2013).

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	<input checked="" type="checkbox"/>			Galletta	<input checked="" type="checkbox"/>			Prickett	<input checked="" type="checkbox"/>		
Brown	<input checked="" type="checkbox"/>			Haas	<input checked="" type="checkbox"/>			Quinn			<input checked="" type="checkbox"/>
DiBello	<input checked="" type="checkbox"/>			Jackson	<input checked="" type="checkbox"/>			Rohan Green	<input checked="" type="checkbox"/>		
Earlen	<input checked="" type="checkbox"/>			Lloyd	<input checked="" type="checkbox"/>			Witt			<input checked="" type="checkbox"/>
Ficcaglia	<input checked="" type="checkbox"/>			McGlinchey	<input checked="" type="checkbox"/>			Lohbauer	<input checked="" type="checkbox"/>		

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: February 8, 2013

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



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Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

**REPORT ON AN APPLICATION FOR
MAJOR PUBLIC DEVELOPMENT**

January 18, 2013

Joseph Saunders
New Jersey Department of Corrections
PO Box 863
Trenton, NJ 08625

Re: Application #: 1984-1305.029
Block 291, Lot 34
Maurice River Township

Dear Mr. Saunders:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 8, 2013 meeting.

FINDINGS OF FACT

This application is for the installation of 3,850 linear feet of perimeter security fencing, construction of a 48 square foot security guard booth and an approximate 3,920 square foot paved fire truck turnaround on the above referenced 992 acre parcel in Maurice River Township. The Southern State Correctional Facility and Bayside State Prison are located on the parcel. The proposed development is located in a Pinelands Rural Development Area.

This application also proposes the removal of three existing parking areas, containing approximately 49 parking spaces, and approximately 275 linear feet of an existing access road to accommodate the construction of the proposed perimeter security fencing. The applicant has indicated that the construction of the proposed perimeter fencing will provide for improved security.

The Southern State Correctional Facility and Bayside State Prison are located in a Pinelands Rural Development Area. The Southern State Correctional Facility and Bayside State Prison are non-conforming uses in a Pinelands Rural Development Area. As part of prior applications to the Commission for development on the above referenced parcel, it was determined that the maximum permitted 50% expansion of the population of this non-conforming use would be 4,545 residents. The applicant represents that the current population at the two facilities is 2,073 residents.



The concerned facilities are served by public sanitary sewer that discharges to an offsite wastewater treatment plant that is located outside of the Pinelands Area. The CMP (N.J.A.C. 7:50-5.26(d)) requires that all development located in a Pinelands Rural Development Area must meet the Pinelands groundwater quality (septic dilution) standard of two parts per million nitrogen regardless of whether the parcel is served by public sanitary sewer. As the proposed development will not affect the number of residents at the facilities, the proposed development is consistent with the Pinelands groundwater quality (septic dilution) standard of two parts per million nitrogen.

There are wetlands located on and within 300 feet of the above referenced lot. The concerned wetlands consist of an existing drainage ditch and lawn areas. All development, except for the proposed perimeter security fencing, will be located further from wetlands than existing development. The proposed development, including the proposed fencing, will not result in a significant adverse impact on the wetlands.

The proposed development will result in the removal of 27,007 square feet of impervious surfaces and the construction of 3,920 square feet of new impervious surfaces. The proposed development will result in a net decrease of 23,087 square feet of impervious surfaces. There will be no increase in the volume and rate of stormwater runoff from the project area after development than occurred prior to the proposed development.

The proposed development will be located over existing paved and maintained grassed areas. The proposed clearing and soil disturbance appears to be 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. All areas to be revegetated are currently maintained grassed or paved areas.

Based upon the existing 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 and endangered species of plants and animals was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural survey.

PUBLIC COMMENT

This applicant provided the requisite legal notices. Newspaper public notice was completed for the application on October 9, 2012. The application was designated as complete on the Commission's website on December 14, 2012. The Commission's public comment period closed on January 11, 2013. The Pinelands Commission has not received public comments regarding the application.

CONCLUSION

The proposed development is a permitted use in a Pinelands Rural Development Area (N.J.A.C. 7:50-5.26(b)11). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP.

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of two sheets, prepared by Gannett Fleming, both sheets dated November 16, 2012 and revised December 5, 2012.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed development shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following native grasses for revegetation: Switch grass, Little bluestem and Broom-Sedge.
4. The maximum number of inmates residing at the facilities located on the lot shall not exceed 4,545 residents. The applicant shall submit a statement indicating the population of the facilities on an annual basis. The statement shall be provided by January 31 of each year.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

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.

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 within eighteen days of the date of this Report and must 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 recommendation 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, Maurice River Township Planning Board
Maurice River Township Environmental Commission
Cape May County Planning Board
Robert O'Neill
Ernest Deman



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead, 17 Pemberton Road, Southampton, New Jersey 08088

Phone: 609-859-8860

Fax: 609-859-8804

E-mail: ppa@pinelandsalliance.org

Website: www.pinelandsalliance.org

Stockton Tennis Courts

- This area received an EIA score of 90%
- These Tennis Courts may not be in Master Plan which was talked about in length during the certification.
- Will these courts replace the buildings that appear to be in the Master Plan layout? (You can see from the attached were they are proposing the tennis courts)
- Will the College insist on getting the development that was in the plan and in addition the tennis courts?

Stockton Forestry Plan

This is a Forestry Plan for 1,522.80 acres.

The August 30, 2010 Pinelands Commission certification of the Master Plan for Richard Stockton College states:

- The 2010 Master Plan increases the size of the College's sewer development area by approximately 453 acres and proposes the permanent protection of more than 1,257 other acres, both on the College campus and off-site.
- The 1,257-acres of permanently protected land include 1,066 acres of wetlands and wetlands buffers as well as 191 acres of developable land.
- With the assistance of the Pinelands Commission, additional sensitive lands were identified and incorporated into the plan to protect the rare species by, among other things, establishing forested corridors of high ecological integrity. These corridors and associated lands will be permanently protected.

Of the 1,257 acres 1,066 acres are wetlands and wetland buffers with the remaining 191 being uplands. With all the other Pinelands "deed restricted" or conservation restricted land there is a provision that says "All such forestry practices shall comply with all relevant federal, state and local law and regulations, including the Plan, and shall not result in more than five percent of the property being cleared." I totaled all the clear cut areas, and only the clear cut prescriptions, and got 134 acres. This is much more than 5%. The 134 acres (see below) is too much for a forest that received a 90% EIA score.

(page 10 – Eight 3 to 6 acre clear cuts = 48 acres; **page 13** – 10 small 2 to 3 acre separate patch cuts = 30 acres; **page 35** – planned to complete six separate, irregularly shaped clear cut patch contoured harvests = 24 acres; **page 36** – one 4 acre contoured irregularly shaped clear cut = 4 acres; **page 41**- Six 3 acre irregularly contoured clear cut patches = 18 acres; **page 56** – two irregularly shaped three acre patches that retain a 150 foot mature stand between them = 6 acres and lastly there is reference to a 4 acre cedar cut in the plan)

Theresa Lettman

