

PC2-20

Disclaimer

These minutes reflect the actions taken by the Commission during its April 13, 2012 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 April 20, 2012.

PINELANDS COMMISSION MEETING¹

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

MINUTES

April 13, 2012

Commissioners Present

Bill Brown, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta, John A. Haas, D'Arcy Rohan Green, Bob Jackson, Edward Lloyd, Ed McGlinchey, Richard Prickett, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, John Cascarano, Authorities Unit Liaison and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Candace Ashmun, Gary Quinn and Rick Harris.

Chairman Lohbauer called the meeting to order at 9:37 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 12 Commissioners present.)

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.

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

Minutes

Chairman Lohbauer presented the March 9, 2012 Commission meeting minutes (open and closed), and Commissioner Jackson moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the March 9, 2012 meeting (open and closed session) were adopted by a vote of 10 to 0, with Commissioners Rohan Green and Chairman Lohbauer abstaining.

Chairman Lohbauer welcomed John Cascarano, who will serve as our new liaison from the Governor's Authorities Unit.

Chairman Lohbauer recognized the passing of Commissioner Ashmun's husband and expressed his condolences.

Chairman Lohbauer discussed new Committee assignments and announced a new Committee that will oversee the mandatory review of the Comprehensive Management Plan.

The new Committee assignments are as follows and will take effect immediately:

Policy & Implementation Committee:

Commissioners Ficcaglia, Galletta, Jackson, Prickett and Lohbauer (Chairman);
First Alternate: Ashmun; Second Alternate: Rohan Green

Personnel & Budget Committee:

Commissioners Brown, Quinn, Rohan Green, Witt, and Haas (Chairman);
First Alternate: McGlinchey; Second Alternate: Prickett

Comprehensive Management Plan Review Committee:

Commissioners Earlen, Harris, Lloyd, McGlinchey, and Ashmun (Chair);
First Alternate: Jackson; Second Alternate: Galletta

Committee Chairs' Reports

Personnel and Budget Committee Meeting

Commissioner Haas advised the Commission that the April 3, 2012 P&B Committee meeting was cancelled due to lack of agenda items.

Policy and Implementation Committee Meeting

Chairman Lohbauer updated the Commission on action from the March 30, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the February 24, 2012 meeting.

The Committee received an update from Conservation Resources, Inc. regarding the Pinelands Conservation Fund, and matters that were discussed in closed session. The Committee was advised that Ocean County is allowing a grant agreement to expire for one project. Also, the Committee granted a final extension for a project in Atlantic County until May 31, 2012.

The Committee recommended conditional certification of Egg Harbor Township Ordinance 37-2011.

The Committee reviewed a draft Memorandum of Agreement between the Commission and Ocean County for the Robert Miller Airpark. Staff was directed to modify the MOA:

- to require quarterly reports on the County's progress in land acquisition for an offset;
- to recognize that, based on public comment, the County might be using Open Space funds to acquire these offset lands or might be seeking another funding source;
- to require that Ocean County, should it not acquire all the offset lands needed within three years, establish an escrow fund; and
- to revise the proximity language related to offset lands.

Staff will be scheduling and conducting a public hearing.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commissioners on the following:

- A public hearing is scheduled for April 18th at the Berkeley Township Municipal Building regarding the Robert Miller Airpark.
- Ms. Wittenberg gave an update on a Memorandum of Understanding which the Commission entered into with Buena Vista Township and the Atlantic County Utilities Authority (ACUA) to determine the feasibility of constructing a community wastewater system to serve Richland Village. A public meeting was held on March 22, which she and Ed Wengrowski attended, along with about 40 or so members of the public and the Township Committee. The public in attendance expressed opposition to the project. At a later meeting, the Buena Vista Township Committee voted to terminate the project. Money which was allocated to the feasibility study will now be used for something else.
- About 600 people were in attendance at this year's Short Course. Staff put in a lot of time and effort to make this such a successful event.
- The Commission submitted comments on the draft Final State Strategic Plan regarding the Counties' ability to request changes through the New Jersey State Planning Commission. The Meadowlands Commission submitted comments on that same issue.

- Ms. Wittenberg updated the Commission on the Memorandum of Understanding (MOU) between the Commission and the Department of Environmental Protection (DEP) concerning Water Quality Management Planning. She advised that the DEP Commissioner has signed the MOU and briefed the Commissioners on the content of the MOU.

Commissioner Lloyd had concerns over the termination language or lack thereof in the Water Quality Management Planning MOU (Section V, Item B).

Ms. Wittenberg responded that the long term goal is to have this MOU become part of the DEP's new Water Quality rules.

Commissioner Galletta made a motion allowing the Executive Director to sign the Water Quality Management Planning MOU. Commissioner Lloyd seconded and all were in favor.

Mr. Chuck Horner updated the Commission on the following:

- A pre-application meeting has been scheduled with DEP, South Jersey Gas and Commission staff concerning the construction of a natural gas line in the Tuckahoe area to serve the B.L. England Generating Station.
- At the March Pinelands Municipal Council meeting, the Woodbine Mayor William Pikolycky was sworn in as the Council's new Chairman. Senator Jim Whelan administered the oath of office.
- ACUA contacted the Commission for some information regarding an existing waste transfer station located in Buena Vista Township, specifically the volume of waste and origin of waste. The Commission is in the process of evaluating the information and responding to the ACUA.
- Although it was anticipated that the Burlington County Route 530 road widening project would be acted on, the County has requested the application be carried to the next meeting. The County continues to try and resolve the issue of lifting a Pinelands Development Credit deed restriction on land in Southampton Township.

Mr. Larry Liggett updated the Commission on the following:

- Representatives from DEP's Endangered and Nongame Species Program will be meeting with staff to discuss a wildlife habitat connectivity initiative.
- A landfill screening approach has been developed and will be discussed at an upcoming P&I Committee meeting.
- A conference was held at Stockton College to introduce the four new alternate design septic systems. DEP was in attendance and went over their new rules for individual septic systems.
- The Long Term Economic Monitoring Report is behind due to the departure of a staff member.

Ms. Susan R. Grogan announced that:

- The Pineland Development Credit Bank Board met on March 27th. Further discussion took place concerning Burlington County's Route 530 road widening project. In order for the County to proceed with widening Rt. 530 a 3.5 acre portion

of a previously deed restricted parcel (the Katona property) would need to be lifted. It was made clear at that meeting that the Bank does not hold the easement; it is in fact the County who holds the easement. Therefore, the Bank does not have the authority to lift the easement. The Bank decided to reserve its right to comment on the public process, which the County will need to hold to lift the restriction. This will include a recommendation for an appropriate offset.

Public Development Projects and Other Permit Matters

Commissioner Haas moved the adoption of a Resolution Approving With Conditions an Application for a Public Development Application (#2011-0049.001)(See Resolution # PC4-12-07). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Commissioner Ficcaglia moved the adoption of a Resolution Approving with Conditions an Application for Public Development (Application Number 1993-1011.005) (See Resolution # PC4-12-08). Commissioner Lloyd seconded the motion.

Chairman Lohbauer questioned if the radium was a liquid, once converted. Mr. Ernest Deman explained that when the radium is converted to a medium, the medium is a solid and not a liquid.

The Commission adopted the resolution by a vote of 12 to 0.

Resolutions Relating to Municipal Ordinances

Ms. Grogan gave a brief overview of the Egg Harbor Township Ordinance 37-2011, indicating that it is an inclusionary affordable housing ordinance which also adopts mandatory PDC requirements.

Commissioner McGlinchey moved the adoption of a Resolution Issuing an Order to Conditionally Certify Ordinance 37-2011, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township (See Resolution #PC4-12-09). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

There were no comments.

Miscellaneous Resolutions

Commissioner Ficcaglia moved the adoption of the Resolution To Approve the Pinelands Commission's 2011 Annual Report (See Resolution #PC4-12-10). Commissioner Rohan Green seconded the motion.

Commissioner Prickett stated that he would like to see more information under the Regulatory Activities section of the report. This will provide a better sense of how the Commission is serving the public.

The Commission adopted the resolution by a vote of 12 to 0.

Ordinances Not Requiring Commission Action

The following ordinance required no action:

- Woodland Township Ordinance 2012-2

Presentation

Mr. Paul Leakan introduced Mr. Ed Malouf of Content Design Collaborative, LLC. Mr. Malouf presented the proposed design of the interpretive center which will be located in the lobby of the RJS Center. See attached slides.

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

Amy Karpati of the Pinelands Preservation Alliance provided comments regarding Application # 2004-0116.001 specifically concerning Little Ladies'-tresses found in the vicinity of the road project. (See attached comment letter)

Mr. Fred Akers of the Great Egg Harbor Watershed Association and River Council advised the Commission that the reconstruction of stormwater basins at the Hamilton Mall has begun. Because the basins had been full for so long, they needed to transfer fish to Lake Lenape. He praised Mr. Horner for taking the lead on this issue. Mr. Akers commended the Commission on the 23rd Annual Short Course. Mr. Akers was impressed with the professionalism of the event and was pleased to participate. Mr. Akers also attended the Buena Vista Township Meeting regarding the wastewater treatment feasibility study. He stated that Mr. Wengrowski's presentation and explanation were fantastic. Mr. Akers mentioned that he sits on the board for ACUA. At a recent ACUA Committee meeting it was noted that a resolution is on schedule for April 20 to discontinue their involvement in the Richland Village wastewater project. Mr. Akers also provided comment on Atlantic County waste and the ACUA landfill.

Miscellaneous

Commissioner McGlinchey advised the Commission that Winslow Township is finalizing a deal with Green Acres which will preserve about 460 acres along the Great Egg Harbor River.

Commissioner Galletta advised that in December 2011, Atlantic Blueberry donated 400 acres to Green Acres. The land is part of the Makepeace tract.

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Adjournment

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Rohan Green seconded. The Commission agreed to adjourn at 11:08 a.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: _____



State of New Jersey

THE PINELANDS COMMISSION

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

NEW JERSEY PINELANDS COMMISSION

April 13, 2012

Meeting Agenda

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

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

2. Adoption of Minutes

- March 9, 2012 (Open and Closed Session)

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 Approval - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions an Application for a Public Development (Application Number 1993-1011.005)
 - Approving With Conditions an Application for a Public Development (Application Number 2011-0049.001)

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

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

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B. Planning Matters

▪ Municipal Ordinances

- Issuing an Order to Conditionally Certify Ordinance 37-2011, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township

▪ Other Resolutions

- None

▪ CMP Amendments

- None

5. Public Comment on Agenda Items and Pending Public Development Applications (see attached list)

6. Miscellaneous Resolutions

- To Approve the Pinelands Commission's 2011 Annual Report

7. Ordinances Not Requiring Commission Action

- Woodland Township Ordinance 2012-2

8. Other Agenda Items

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

Unless otherwise noted, all meetings/events are conducted at the
Offices of the Pinelands Commission in New Lisbon

Fri., April 13, 2012

Pinelands Commission Regular Monthly Meeting (9:30 a.m.)

Fri., April 27, 2012

Policy & Implementation Committee Meeting (9:30 a.m.)

Tues., May 1, 2012

Personnel and Budget Committee Meeting (9:30 a.m.)

Office Closures (April 2012)

Friday, April 6, 2012 Good Friday



Pinelands Commission and Committee meeting agendas are now posted on the Commission's Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@njpines.state.nj.us) at Info@njpines.state.nj.us or call (609) 894-7300.