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State of New Jersey

THE PINELANDS COMMISSION

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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NEW JERSEY PINELANDS COMMISSION

May 10, 2013

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

- April 12, 2013 (Open and Closed)

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
 - Denying an Application by Robert T. Winzinger, Inc. for a Resource Extraction Operation (Application Number 1980-0062.001) on Block 6402, Lot 7 in Woodland Township.
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions an Application for a Public Development (Application Number 1997-0257.006). *The Secondary Impacts Agreement*

associated with Application Number 1997-0257.006 will be discussed in closed session.

- Approving With Conditions Applications for Public Development (Application Numbers 1985-0619.012, 1988-0390.017, 1993-1180.006 and 2011-0146.001)
- Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0550.001)

B. Planning Matters

- Municipal Ordinances
 - None
- Other Resolutions
 - None
- CMP Amendments
 - None

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

6. Miscellaneous Resolutions

- None

7. Ordinances Not Requiring Commission Action

- Berlin Borough's 2012 Housing Plan and Ordinance
- Medford Township Ordinance 2012-14
- Waterford Township Ordinance 2013-1

8. Other Agenda Items

- Presentation: Long-Term Economic Monitoring Report

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., May 10, 2013	Pinelands Commission Regular Monthly Meeting (9:30 a.m.)
Fri., May 10, 2013	Plan Review Meeting (11:00 a.m. or immediately following the Commission Meeting)
Fri., May 31, 2013	Policy & Implementation Committee Meeting (9:30 a.m.)
Tues., June 4, 2013	Personnel & Budget Committee Meeting (9:30 a.m.)
Thurs., June 13, 2013	Pinelands Commission Regular Monthly Meeting (7:00 p.m.)- New date and time
Fri., June 14, 2013	Plan Review Meeting - Canceled

Office Closures (May 2013)

Monday, May 27, 2013 Memorial Day

Events of Interest

May 21, 2013- Pinelands Research Series: Alexa Warwick “Geographic variation in Pine Barrens Tree Frogs” New Lisbon, NJ-Richard J. Sullivan Center-10:00 a.m.

May 30, 2013-Pinelands Municipal Council Meeting and Pinelands Orientation- New Lisbon, NJ-Richard J. Sullivan Center-4:00 p.m.



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.

PC2-30

Disclaimer

These minutes reflect the actions taken by the Commission during its May 10, 2013 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 May 20, 2013.

PINELANDS COMMISSION MEETING¹

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

MINUTES

May 10, 2013

Commissioners Present

Candace Ashmun, Joe DiBello, Sean Earlen, Paul Galletta, John Haas, Robert Jackson, Gary Quinn, Ed Lloyd, Richard Prickett, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General (DAG) Sean Moriarty.

Commissioners Absent

Bill Brown, Leslie Ficcaglia, Ed McGlinchey and D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:36 a.m.

DAG Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum.

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

Minutes

Chairman Lohbauer presented the April 12, 2013 Commission meeting minutes (open and closed session). Commissioner Ashmun moved the adoption of the minutes. Commissioner Prickett seconded the motion.

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.

PC2-31

The minutes of the April 12, 2013 Commission meeting were adopted by a vote of 10 to 0. (Please note Commissioner Jackson was not present for the vote.)

Committee Chairs' Reports

Personnel & Budget Committee

Commissioner Haas updated the Commission on actions taken at the April 30, 2013 Personnel & Budget Committee meeting:

The Committee adopted the minutes from the April 2, 2013 meeting.

The Resolution to Authorize the Executive Director to Purchase Information Processing Items from Dell Marketing L.P. was removed from the agenda due to a calculation error. After discussion, the Committee made a motion to table the resolution until the next Committee meeting.

Donna Connor reviewed the Preliminary Financial Projections for the FY 2014 Budget.

In response to a question from the prior meeting regarding banking service fees, the staff confirmed that the State has been paying fees for many years. A Request for Proposal (RFP) will be prepared to obtain quotes from other banks once the budget has been adopted.

Financial Updates including the Check Register and Electronic Funds Transfers for April 2013 were reviewed. An update on application fees was also provided.

No public comment was offered.

The April 2013 employee actions were reviewed. It was also explained that the car that the previous Executive Director used while at the Commission was sold. There was a motion made that the money received from the sale of the car be placed in the vehicle replacement reserve.

Confidential personnel matters were discussed in closed session.

Commissioner Jackson joined the meeting at 9:41 a.m.

Plan Review Committee

Commissioner Ashmun said the Committee will be meeting following today's Commission meeting.

Commissioner Ashmun said she attended the PDC Bank Board meeting.

PDC Bank

Susan Grogan handed out the PDC Bank Annual report, which utilized both Commission and Bank data. It was presented to the Bank Board on April 29 and is available on the Bank's website. She advised she would provide a short presentation of the report to the full Commission at a later date.

Policy & Implementation Committee

Chairman Lohbauer updated the Commission on action from the April 26, 2013 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the March 22, 2013 Committee meeting.

In closed session, the Committee met with representatives of Atlantic County and discussed means to obviate potential secondary impacts resulting from the creation of a full interchange at Exit #44 of the Garden State Parkway.

Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- She attended the ribbon cutting ceremony of an educational building at the Sam Azeez Museum of Woodbine Heritage.
- Staff met with Evesham Township regarding proposed ball fields. They will need to address cultural resource issues.
- A Joint meeting was held between the Commission, the Highlands Council, and the Meadowlands Commission.
- Commission Staff met with Jackson Township officials to address their master plan and other zoning issues.

Ms. Stacey Roth said that the Winzinger application on today's agenda will be deferred to the June Commission meeting. This request was made by the applicant's attorney. The attorney representing the applicant has advised the Commission they will be submitting an alternate resolution. As soon as the Commission receives the alternate resolution, it will be distributed.

Mr. Larry Liggett updated the Commission on the following:

- Buena Borough's new wastewater facility is almost operational; staff will tour the plant as soon as it is running.
- We received a recent landfill closure analysis for Estell Manor. Based on the submission, it looks like the landfill will not need an impervious cap. Staff will continue to review this matter.
- Staff has received a submission from T-Mobile for a new cell tower at a site in Hammonton. Because the site is in the Preservation Area, the applicant will be required to submit an alternatives analysis.
- Staff will be meeting in the upcoming weeks with both Mullica Township and the Town of Hammonton to discuss wastewater issues.

PC2-33

Mr. Chuck Horner updated the Commission on the following:

- The enduro event that was discussed at length at the April Commission meeting remains under review by staff and will be addressed at the June meeting.
- Staff will support Barnegat Township officials in court next week regarding a property along Route 72 that was cleared for berry agriculture some years ago. The property has remained cleared with no agricultural activity.
- The Executive Director consulted with the Chairman regarding an emergency determination. A letter was issued to allow for the demolition of three buildings at the old Wheaton glass factory. The buildings were deemed a public safety hazard by Hamilton Township.
- On April 30, 2013, staff met with a property owner regarding future development projects in Medford and Evesham Townships. The project is located in the vicinity of the Sanctuary and Highbridge residential developments.

Commissioner Haas requested an update on the Southern Pine Beetle at the next Commission meeting.

Ms. Roth reminded Commissioners that the deadline to file Financial Disclosures Statements was May 15, 2013.

Ms. Wittenberg advised that the Pinelands Orientation for newly elected official will be held at the Commission on May 30, 2013. The Pinelands Municipal Council Meeting will meet after the orientation. She said the June Commission meeting will be held on Thursday, June 13, 2013 at 7:00 p.m. in New Lisbon.

Review of Local Approval

Winzinger (Application Number 1980-0062.001) This matter has been deferred at the request of the Applicant.

Public Development Projects and Other Permit Matters

Commissioner Haas moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1985-0619.012, 1988-0390.017, 1993-1180.006 and 2011-0146.001) (See Resolution # PC4-13-14). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Commissioner Jackson moved the adoption of a Resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0550.001) (See Resolution # PC4-13-15). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

PC2-34

Garden State Parkway Interchange 44

Mr. Liggett said the Parkway Overlay District was established to create consistency of development along the Garden State Parkway, including specific permitted uses. The half interchange proposed at Exit 44 is a permitted use. However secondary impacts need to be addressed. (See slides for additional information)

Closed Session Resolution

Ms. Roth made an oral motion to retire into closed session to discuss an acquisition agreement to obviate secondary impacts associated with expansion of Exit 44 on the Garden State Parkway.

Commissioner Lloyd moved the motion to retire into closed session. Commissioner Jackson seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0.

The Commission met in closed session, starting at 10:05 a.m.

Return to Open Session

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

Ms. Roth advised the public that the Commission discussed acquisition matters pertaining to Interchange 44 in closed session.

Ms. Roth said if the Commission approves the Resolution for the Interchange, the Resolution will also authorize the Executive Director to sign the agreement between the Commission and Atlantic County to obviate the secondary impacts associated with Interchange 44.

Commissioner Lloyd moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1997-0257.006) (See Resolution # PC4-13-16). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

No one from the public spoke.

Ordinances Not Requiring Commission Action

- Berlin Borough's 2012 Housing Plan and Ordinances 2012-19 and 2012-20

PC2-35

- Medford Township Ordinance 2012-14
- Waterford Township Ordinance 2013-1

Other Agenda Items

Mr. Liggett presented the Long-Term Economic Monitoring Report representing data from both 2010 and 2011. The report evaluates the economic health of the Pinelands. See Slides for additional information.

The report can be viewed at: <http://www.nj.gov/pinelands/landuse/econ/> Click on Full Report 2011-12.

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

Mr. Fred Akers of the Great Egg Harbor Watershed Association, said he doesn't understand why the Commission needs an additional document to ensure there will not be any secondary impacts as a result of the Exit 44 Interchange. He feels the CMP should be enough to ensure there would be no secondary impacts. He gave an update on the Hamilton Mall stormwater rehabilitation.

Lee Rosenson of the Pinelands Preservation Alliance & NJ Audubon said the Long-Term Economic Monitoring Report is a good report for both the present and the future. He said the report shows the economy in the Pinelands is not suffering as some critics of the CMP claim. He said in fact, the CMP is providing smart growth and preservation.

Jay Mounier of Franklin Township, said he does not agree with the Commission's methodology for defining a Pinelands municipality in the Long-Term Economic Monitoring Report.

Other

Chairman Lohbauer said that he recently had the opportunity to take a tour of the J.J. White cranberry farm in Pemberton and opened the invitation to staff and Commissioners who might be interested in taking the tour.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 11:21 a.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: _____