



## 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

March 9, 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

- February 10, 2012

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 Applications for Public Development (Application Numbers 1986-0122.022, 1987-1058.066, 1998-0575.002 & 2007-0300.002)
  - Approving With Conditions a Request for a Waiver of Strict Compliance (Application Number 2010-0118.001)

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)

Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

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B. Planning Matters

▪ Municipal Ordinances

- Issuing an Order to Certify Ordinance 14-2011, Amending Chapter 49 (Development Regulations) of the Code of Buena Vista Township

▪ 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

- None

8. Other Agenda Items

- Update on the Pinelands Conservation Fund Acquisition Program

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., March 30, 2012

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

Tue., April 3, 2012

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

Fri., April 13, 2012

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

**Pinelands Events of Interest**

Tuesday, March 13, 2012 Pinelands Municipal Council - Buena Vista Township  
Saturday, March 24, 2012: 23<sup>rd</sup> Annual Pinelands Short Course



*Pinelands Commission and Committee meeting agendas are now posted on the Commission's Web site and can be viewed at [www.nj.gov/pinelands/](http://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](mailto:Info@njpines.state.nj.us) or call (609) 894-7300.*

Disclaimer

These minutes reflect the actions taken by the Commission during its March 9, 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 March 21, 2012.

**PINELANDS COMMISSION MEETING<sup>1</sup>**

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

**MINUTES**

**March 9, 2012**

Commissioners Present

Candace Ashmun via tele-conference, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta, John A. Haas, Rick Harris, Edward Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn and Fran Witt. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Director Regina Egea, Authorities Unit Liaison David Reiner and Deputy Attorney General Mark Collier.

Commissioners Absent

D'Arcy Rohan Green, Bill Brown, Robert Jackson and Chairman Mark S. Lohbauer

Vice Chairman Haas called the meeting to order at 9:31 a.m.

DAG Collier read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners present.)

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

Minutes

Vice Chairman Haas presented the February 10, 2012 Commission meeting minutes, and Commissioner Prickett moved the adoption of the minutes. Commissioner Lloyd seconded the motion.

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<sup>1</sup> 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 minutes of the February 10, 2012 meeting were adopted by a vote of 11 to 0.

### Committee Chairs' Reports

#### Policy and Implementation Committee Meeting

Commissioner Lloyd updated the Commission on action from the February 24, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the January 27, 2012 meeting.

The Committee received an update from Content Design Collaborative on the Pinelands exhibits for the Richard Sullivan Center. The design plan is nearly complete, and a presentation to the full Commission will be made later this spring.

The Committee recommended that the Commission certify Buena Vista Township Ordinance #14-2011.

The Committee received a presentation by staff on the Kirkwood-Cohansey Project for build-out and water demand analysis. Next steps will involve planning for appropriate new wells within the Kirkwood-Cohansey service area.

#### Personnel and Budget Committee Meeting

Commissioner Haas updated the Commission on action from the February 28, 2012 Personnel and Budget meeting:

The Committee adopted the minutes of the January 3, 2012 Personnel and Budget Committee meeting.

Dawn Rago provided additional information about joining a Joint Insurance Fund (JIF). It was suggested that an analysis be conducted to see if it is worth doing an RFP for a different insurance broker instead of pursuing a JIF.

Donna Connor reported that the unemployment reserve is overspent due to the extended benefits programs and that funds need to be transferred into this account to meet the Commission's obligations. The Committee discussed some options and unanimously approved a recommendation to the Commission.

At this point during the meeting:

*Commissioner Witt made a motion to transfer up to \$100,000, taken on an as needed basis, from the Reserve for Retirees' Health Benefits to the Reserve for Unemployment Compensation to cover Commission payment of unemployment claims. Commissioner McGlinchey seconded the motion. All were in favor.*

Commissioner Haas resumed his review of the Personnel & Budget Committee Meeting.

Nancy Wittenberg stated that the Governor's Office approved the recruitment of a Research Technician. The position will be funded by federal grant money. Michelle Russell reviewed the recruitment plan.

Nancy Wittenberg explained that the Commission is reviewing proposals to have a firm review our work processes.

Donna Connor reported that the fees received in February were the highest during this fiscal year and that she is optimistic that the budgeted amount will be reached.

There was no public comment. Donna Connor stated that she has been told that the FY 2013 State appropriation was not cut in the Governor's budget. She explained that the auditors have begun field work at the Commission. Vice Chairman Haas noted that the Audit requires a lot of the staff's time.

Confidential personnel matters were discussed in closed session.

#### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commissioners on the following:

- A meeting with Ray Cantor, John Hutchison and Jane Engel took place regarding the Water Quality Management MOU. DEP remains optimistic that an agreement will be finalized in the near future.
- Ms. Wittenberg said she spoke at a businessperson's roundtable convened by Senator Dawn Marie Addiego, and Assemblymen Scott Rudder and Chris Brown.
- A meeting was held with Rick Kropp from USGS to discuss timelines for the remainder of the Kirkwood-Cohansey study.
- Commission staff recently attended a meeting with DEP. The meeting was requested by the Lieutenant Governor's Red Tape Commission. The discussion focused on a road development project proposed by Atlantic County.
- Senator Smith is moving forward with a forestry bill. It has been agreed that this bill will include the Pinelands. A substitute bill which will focus on forestry management is being drafted. A meeting to discuss the substitute bill is scheduled for around the third week of April.
- Although Chairman Lohbauer mentioned he would discuss the new Committee assignments at this meeting, Ms. Wittenberg would prefer to wait to go over the new assignments and the Plan Review Committee next month with Chairman Lohbauer present.
- Ms. Wittenberg mentioned that staff is preparing internally for the FY2013 Work Plan and budget.

Ms. Stacey Roth mentioned Assembly Bill A2629. She explained this bill would exempt certain commercial development from compliance with the Pineland Commission development review process in Pinelands Villages, Towns and Regional Growth Areas for

a five-year time period. Ms. Roth also said that it is time to file 2012 Financial Disclosure Statements. The deadline is May 15, 2012. Those who submit their statements after May 15, 2012 will incur a fifty dollar a day late fee.

Ms. Wittenberg stated that due to Michael Yaffe's recent departure from the Commission, the Long Term Economic Monitoring Report is on hold until further notice. The report was scheduled to be presented today.

Mr. Larry Liggett updated the Commission on the following:

- Mr. Liggett advised that he and Ed Wengrowski attended a Water Quality Stakeholder's meeting at DEP.
- Staff also met with USGS as a possible consultant for a landfill study. Money from the Stafford Business Park will be used to fund the study, which will characterize around 50 landfills in the Pinelands.
- A Comprehensive Public Safety Tower Plan was recently submitted. It proposes 50 towers, 40 of which will be placed on existing towers. A report and recommendation will be submitted for review at a P&I Committee meeting.

Mr. Chuck Horner updated the Commission on the following:

- On Feb. 14, staff met with the New Jersey Department of Transportation (NJDOT) to discuss stormwater mitigation in connection with the reconstruction of the Rt. 72 Manahawkin Bay Bridge. Staff helped identify some approaches for DOT in the event they would need to mitigate basins in the Pinelands Area.
- Next week staff will be meeting with NJDOT again to discuss a possible Memorandum of Agreement to address future road projects.
- The Pineland Development Credit Bank Board met on February 16, 2012. Based on decisions made at that meeting, the Commission issued a public development report recommending approval of the County Route 530 Road widening project (Application #1997-0585.002). This report will be considered at the April Commission meeting.

Ms. Susan Grogan elaborated on the PDC Bank Board meeting, which was held at the Commission's office. There was a great deal of public in attendance. The majority of the meeting focused on the County Route 530 widening project. The project will encroach on a 3-acre portion of a parcel that has a PDC deed restriction. The Bank has been asked to make a recommendation regarding a potential offset if the deed restriction is lifted. The next meeting will be on March 27, 2012, at which this topic will again be discussed.

### Public Development Projects and Other Permit Matters

Commissioner Galletta moved the adoption of the Resolution Approving With Conditions Applications for Public Development (Application Numbers 1986-0122.022, 1987-1058.066, 1998-0575.002 & 2007-0300.002) (See Resolution # PC4-12-04). Commissioner Witt seconded the motion.

Commissioner Prickett asked if the conversion of the test wells into permanent potable wells would come before the Commission for approval. Mr. Horner said yes, the Commission will need to vote on it again.

The Commission adopted the resolution by a vote of 10 to 1, with Commissioner McGlinchey voting in the negative.

Commissioner Lloyd moved the adoption of the Resolution Approving With Conditions Request for a Waiver of Strict Compliance (Application Number 2010-0118.001) (See Resolution # PC4-12-05). Commissioner Ficcaglia seconded the motion. All were in favor.

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

### Resolutions Relating to Municipal Ordinances

Commissioner Ficcaglia moved the adoption of the Resolution Issuing an Order to Certify Ordinance 14-2011, Amending Chapter 49 (Development Regulations) of the Code of Buena Vista Township (See Resolution #PC4-12-06). Commissioner McGlinchey seconded the motion.

Commissioner Prickett questioned if the Commission has a tracking system in place to monitor the success of a forestry project. Ms. Grogan stated we do not. Ms. Wittenberg said that unfortunately we don't have the resources to monitor such projects.

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

### Public Comment on Agenda Items and Pending Public Development Applications

There was no public comment offered.

### Ordinances Not Requiring Commission Action

There were no ordinances to report this month.

### Pinelands Conservation Fund Presentation

Ms. Grogan introduced Michael Catania and Anne Heasley of Conservation Resources, Inc. (CRI). The firm handles the land acquisition component of the Pinelands Conservation



Fund. Ms. Grogan stated that Chairman Lohbauer thought it would be beneficial for the full Commission to hear more about CRI and their role at the Commission.

Mr. Catania said that the program has had a phenomenal success rate, and he has enjoyed working with the Commission. Mr. Catania gave a brief history of how the Pinelands Conservation Fund was established. He highlighted the goals of the fund and spoke of some key acquisitions. To date, the Commission has allocated a total of \$8.6 million toward 30 projects, resulting in the permanent protection of 3,710 acres (see slides for additional information).

Ms. Roth gave an update on the MOA between the Commission and the New Jersey Turnpike Authority, which the Commission entered into for the expansion of the Garden State Parkway (see slides which are part of PCF presentation).

#### Closed Session Resolution

DAG Collier read a resolution to retire into closed session to discuss acquisition matters.

Commissioner McGlinchey moved to retire into closed session. Commissioner Harris 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 10:40 am. Commissioner Earlen left the room.

#### Return to Open Session

Vice Chairman Haas reopened the public portion of the meeting at 10:59 am.

Mr. Catania discussed the last slide in his presentation, which summarized the remaining monies in PCF.

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

There was no public comment offered.

#### Adjournment

Commissioner Ficcaglia moved to adjourn the meeting. Commissioner Lloyd seconded. The Commission agreed to adjourn at 11:10 a.m.

Certified as true and correct:

\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: \_\_\_\_\_