

Adopted May 30, 2014

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
April 25, 2014 – 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Leslie Ficcaglia, Paul E. Galletta, Robert Jackson, Richard Prickett and Candace Ashmun (1st Alternate)

MEMBER ABSENT:

OTHER COMMISSIONERS PRESENT: Ed Lloyd (*as a non-member of the Committee, Commissioner Lloyd participated in the discussion but did not vote on any matter*)

STAFF PRESENT: Executive Director Nancy Wittenberg, John Bunnell, Larry Liggett, Donna Graham, Susan R. Grogan, Charles Horner, Robyn A. Jeney, Paul Leakan, and Joseph Sosik.

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

1. Adoption of minutes from the March 28, 2014 CMP Policy & Implementation Committee meeting

Commissioner Ficcaglia moved the adoption of the March 28, 2014 meeting minutes. Commissioner Prickett seconded the motion and all Committee members voted in favor. Commissioner Lloyd abstained.

2. Discussion of CMP sign standards and municipal ordinances

Ms. Grogan said that two municipal ordinances recently submitted to the Commission for certification had generated the need for this discussion. She noted that today's presentation would not address those specific ordinances but would entail a general discussion of the existing Comprehensive Management Plan (CMP) sign rules and how they apply to digital sign technology. (*Please see the attached presentation, "A Sign of the Times."*)

Ms. Grogan said that the existing CMP sign rules are based on protection of the scenic values of the Pinelands. She noted that the CMP contains mandatory standards for off-site signs throughout the Pinelands, but only contains mandatory on-site sign standards for the Preservation Area District and Special Agricultural Production Management Areas, with the exception of a Pinelands-wide mandatory prohibition of any sign designed or intended to attract attention via movement, the visual impression of movement, or lighting changes. Ms. Grogan explained that the present issue concerns whether digital sign technology can and should be permitted under the

CMP's municipal flexibility provisions. She said that potential considerations included requiring municipalities to retain the general CMP prohibitions on flashing or moving signs, continuing to prohibit the conversion of existing non-conforming billboards (i.e., those outside of Regional Growth Areas and Pinelands Towns) to the digital technology, allowing municipalities the flexibility to permit on- and off-site signs in Regional Growth Areas and Pinelands Towns to use digital technology with conditions to minimize visual impacts, and considering a future CMP amendment to expressly allow digital signs in Regional Growth Areas and Pinelands Towns with clear standards protecting aesthetic and scenic values. Ms. Grogan noted that the rule-making process could take years, and since the Commission has a finite amount of time to respond to the two recently submitted municipal sign ordinances, the Committee must consider the options currently available to them.

Chairman Lohbauer left the meeting at 9:57 a.m. Commissioner Ashmun accepted the position of Chair.

The Committee members discussed whether other agencies, such as the National Park Service and state and federal departments of transportation, have digital sign standards. Mr. Liggett said that some states have such rules, but that no federal standards exist yet. He explained that most existing digital sign standards are primarily concerned with brightness and traffic safety, while the Commission's sign standards are based on scenic and aesthetic protections.

Several Committee members discussed a need to ensure that habitat is protected from additional illumination. Mr. Liggett clarified that the CMP rules currently limit new off-site signs to the development-oriented Regional Growth Areas and Pinelands Towns, and new billboards are further limited by the number of municipalities willing to permit them at all. Ms. Grogan added that the Commission could require conditions to minimize habitat impacts, such as limiting the use of digital signs to developed commercial areas and the Atlantic City Expressway within Regional Growth Areas and Pinelands Towns. She also reiterated that the CMP prohibits signs that move and change, but does not contain standards regarding illumination, environmental protection or traffic safety, so any effort to address the latter three issues would require a rule change.

Mr. Liggett said that two important factors should help inform the Committee's considerations: the relationship between sign regulations and free speech, and billboard protections under the Highway Beautification Act. He explained that attempts elsewhere to prohibit billboards entirely or regulate the content of signs had historically been overturned by the courts as violations of the freedom of speech. He added that the Highway Beautification Act provides for withdrawal of federal transportation funds from any state that prohibits billboards.

The Committee indicated its support for the Commission staff's recommendations for proceeding with the two recently submitted municipal sign ordinances and for consideration of a CMP amendment in the long term. Ms. Grogan said that the two recently submitted municipal sign ordinances would be brought before the Committee at its next meeting.

3. Discussion of Pinelands Conservation Fund objectives and policies

Executive Director Wittenberg said that the late Commissioner John Haas had been pursuing a restructuring of the Pinelands Conservation Fund (PCF) to direct more funds to land acquisition. She noted that other Commissioners had recently expressed interest in expanding the uses of the PCF. (*Please see the attached presentation “Pinelands Conservation Fund.”*)

Ms. Grogan provided a brief history of the PCF and its three components: Land Acquisition, Conservation Planning and Research, and Community Planning and Design. In addition to the many projects funded by the PCF in these three categories, staff hours spent on those projects are also paid out of the PCF. Several Committee members expressed interest in seeing the percentage of staff salaries paid out of the PCF by year and PCF component.

Ms. Grogan introduced a potential new PCF category for the Commission to consider: Education and Outreach. She noted that many worthy projects could be funded under this category, including website redesign, the visitors’ center exhibit, updated Pinelands curriculum guides, Pinelands National Reserve brochure reprints, World Water Monitoring Day activities, and in-class education programs. Ms. Grogan said that the initial vision for the Community Planning and Design component included the Commission hiring a community planner, which has not been able to occur. She said that funding for a new Education and Outreach component could be reallocated from the existing Community Planning and Design component, with the remainder of the Community Planning and Design funds being re-focused to enable assistance with “brick and mortar” retrofits. Mr. Liggett said these retrofits could include fixing failing stormwater management facilities or replacing the failed Cromaglass septic systems with an approved alternate design technology. He noted that the funds could be used as an incentive to fix these types of issues, in partnership with other agencies and in combination with other funds or grants.

Ms. Grogan said that some funds could also be transferred into the Land Acquisition component to enable the continuation of permanent land protection efforts. She noted that the majority of Land Acquisition funds have been spent, with the exception of certain restricted funds that will become unrestricted in June 2014. Ms. Grogan said that she regularly hears from individuals hoping that more land acquisition funding will be made available; supplementing the money that will become unrestricted in June would enhance the feasibility of funding future land acquisition projects. Ms. Grogan said that Land Acquisition funds could also be used to establish an ongoing easement monitoring program in memory of Commissioner Haas, in cooperation with his alma mater, Monmouth University, which offers strong environmental programs. She noted that Commission staff rarely had the ability to conduct post-acquisition monitoring, and that such follow-up would be extremely valuable in ensuring that the integrity of protected lands is maintained. Ms. Grogan explained that, if the Committee decided to establish a PCF: Education and Outreach component and to reallocate PCF funds, amended PCF objectives and policies would be drafted, public comment would be sought, and the full Commission would consider the amended objectives and policies for approval.

The Committee indicated its support for the proposed PCF policy changes.

4. Public Comment

Dr. Lee Rosenson, Pinelands Preservation Alliance, asked for clarification between on-site and off-site signs in the CMP. He noted that an on-site sign located within a few feet of a landowner's property would be considered an off-site sign were it located just a few feet farther away.

Ms. Grogan responded that the CMP does address on- and off-site signs differently: on-site signs do not require application to the Commission while off-site signs do. She clarified that regardless of application submission requirements, all signs in the Pinelands Area must comply with the CMP's rules prohibiting movement and change, and so the discussion of digital technology applies to both on- and off-site signs.

Mr. Bob Filipczak updated the Committee regarding the Garden State Parkway off-ramp stormwater basins, about which he had expressed concerns at last month's meeting. He said that work had stopped on the basins for the moment, which he was glad to see. Mr. Filipczak also noted that he had recently driven Route 49, where the previously proposed South Jersey Gas pipeline had been planned. He said it was a beautiful road that traveled through heavily-forested areas that sometimes created a canopy over the roadway, and he was skeptical that only a few trees would have been impacted by the proposed pipeline. Mr. Filipczak also said that the removal of trees for establishment of a stormwater basin near Exit 90 of the Garden State Parkway had resulted in increased noise pollution for nearby residents. He said that placement of sound barriers had run into obstacles because they were not consistent with the NJ Department of Transportation's rules.

Ms. Marianne Clemente of Barnegat Township asked whether a lawsuit had been filed by South Jersey Gas within the 45-day time period allowed by law.

Executive Director Wittenberg responded that a lawsuit had been filed against the Pinelands Commission and the NJ Board of Public Utilities within 45 days of the Commission's approval of the January 10, 2014 meeting minutes.

Mr. Fred Akers, Great Egg Harbor Watershed Association, said the meeting's presentations were excellent. He said he appreciates the detail and quality of the Commission and Committee meeting minutes. Mr. Akers noted that a digital billboard on the Margate Causeway had been removed after a local couple successfully filed a lawsuit due to the sign's excessive brightness. He noted that the Buena Vista Township Planning Board, of which he is a member, had recently drafted a digital sign ordinance but was waiting for the Commission's determination regarding the two ordinances recently submitted by other municipalities. Mr. Akers also recalled that early discussions of the PCF Land Acquisition component had involved a policy decision to fund up to 1/3 of a project's land acquisition costs. He asked whether that policy was still in place.

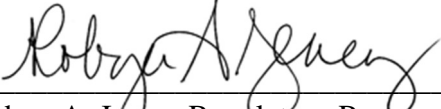
Ms. Grogan responded that the policy Mr. Akers was referring to was not contained in the general PCF policies, but was a condition of the Commission's two contracts with Conservation Resources Inc., the organization that had facilitated PCF land acquisition projects from 2006 through 2013.

5. Other Items of Interest

Commissioner Prickett inquired about the Newly Elected Municipal Official Orientation. Executive Director Wittenberg said it was scheduled for May 29, 2014 at 4:00 p.m. Mr. Leakan said that attendance of the orientation had been improving in recent years, with about 60 officials attending the 2013 seminar. He said that Ed Wengrowski would be providing a presentation this year on the Rapid Landfill Assessment.

The meeting adjourned at 11:05 a.m. (Moved by Commissioner Ficcaglia and seconded by Commissioner Jackson).

Certified as true and correct:



Robyn A. Jeney, Regulatory Programs Specialist

Date: 5/5/2014

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