

Adopted September 26, 2014

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

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

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Robert Jackson, Richard Prickett and Candace Ashmun (1st Alternate)

MEMBERS ABSENT: Paul E. Galletta

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, Stacey Roth, Larry Liggett, Susan R. Grogan, Paul Leakan, and Betsy Piner. Also present was Ms. Kerstin Sundstrom, with the Governor's Authorities Unit.

Chairman Lohbauer called the meeting to order at 9:40 a.m.

1. Adoption of minutes from the May 30, 2014 CMP Policy & Implementation Committee meeting

Commissioner Prickett moved the adoption of the May 30, 2014 meeting minutes. Commissioner Ashmun seconded the motion and all Committee members voted in favor.

2. Robert J. Miller Airpark Memorandum of Agreement: Update by Ocean County on land acquisition

Mr. Liggett said that in 2012 the Pinelands Commission had signed a Memorandum of Agreement (MOA) with Ocean County to allow the expansion of a cross-wind runway at the Robert Miller Airpark. The MOA required an offset of some 485 acres of suitable habitat as well as other obligations. Mr. Liggett said that today the Committee would receive an update from Ocean County (Mr. Dave McKeon, Planning Director, and Mr. Mark Villinger, Principal Planner) on the County's acquisition efforts. Mr. Liggett presented slides providing context for the location of the Robert Miller Airpark (*Attachment A to file copy of these minutes*) and noting that the County had identified some 566 acres.

Mr. McKeon said that he had been working with staff since the MOA was executed to find suitable habitat consistent with that being disturbed by the runway expansion. He identified a 566-acre parcel in Lacey Township, noting that much of the land in the area was already preserved. Commission staff has confirmed that the acquisition and protection of the 566-acre

parcel would satisfy the offset requirements of the MOA. He said that Structural Management, the owner of the property, also owns other lands in Manchester Township and the County will be making a simultaneous purchase with a separate deed for these other lands for a total of 1,766 acres. He said that some of the Manchester lands may be of interest to Manchester Township for recreational purposes.

Mr. McKeon said that the acquisition of the Structural Management properties will provide a connection with the Greenwood, Brendan Byrne and Double Trouble State forests and the Pasadena Wildlife Management Area as well as other lands preserved through the Ocean County Natural Lands Trust (OCNLT). He said this will be the largest acquisition by the OCNLT since its inception in 1998. He said that this land represents a truly regional acquisition, not just an offset.

In response to Commissioner Ashmun's question, Mr. McKeon said yes, Manchester Township has an Open Space tax and was also looking at funding a portion of the acquisition through a Green Acres Planning Incentive Grant.

In response to Commissioner Lloyd's question about the significance of the other Structural Management Lands in Manchester Township, Mr. McKeon said that although this was the same owner, there would be a separate deed and he noted that some properties in the vicinity of Bamber Lake were also included.

Ms. Grogan said the significance of the Manchester properties relates to the mapping issues regarding the Forest Area/Preservation Area District (FA/PAD) boundaries that had been raised when a cluster development proposal and ordinance was presented to the Commission. She asked the Committee to recall the discussion of the difficulty of determining management area boundaries that do not follow lot lines, rather watershed or ridge lines (*See Minutes of CMP Policy & Implementation Committee meeting of October 26, 2012*). Ms. Grogan said when the County acquires this property, the development potential will be eliminated. She confirmed that the large Lacey parcel is in the PAD, while the lands in Manchester are split between the FA and PAD.

Commissioner Lohbauer noted that this was terrific news in that the land acquisition will not only provide the offset but resolve the boundary issue.

3. Pinelands Conservation Fund policies

Staff distributed copies of the draft policies that had been included in the Committee's May 30, 2014 meeting packets while Ms. Grogan explained that due to computer problems following an electrical storm, she had been unable to provide the updated document prior to this meeting.

Ms. Grogan said only two individuals attended the public meeting on July 9, 2014 and five written comments had been received prior to the July 11, 2014 deadline. Two additional comments arrived too late to be included but raised no new issues. She said some members of the public raised concerns with using the funds for education and outreach, rather than solely on land acquisition. Staff feels that education and outreach are critical elements of land protection as reflected in both the Pinelands Protection Act and the Comprehensive Management Plan. The full implementation of the education element is long past due, she said. Ms. Grogan said Green

Acres staff had submitted a letter requesting that funding be directed to them rather than through a nonprofit entity. She said such project-specific details will be discussed in the future by the Policy and Implementation Committee. The current interest is in directing the funds to the various components.

Ms. Grogan reminded the Committee that we no longer have a facilitator for acquisition projects. This will need to be taken into consideration when the Committee proceeds to establish policies and procedures for a new acquisition round.

Ms. Grogan confirmed Commissioner Ashmun's statement that this is the same arrangement the Commission has made in the past to determine how to utilize the PCF and allocate the money. Ms. Grogan said approving this resolution will allow the Commission to move forward on acquisition, easement monitoring, and education projects in the future.

Commissioner Ashmun recommended Commission adoption of a resolution revising the policies for the use and management of the Pinelands Conservation Fund. Commissioner Jackson seconded the motion.

Commissioner Prickett said for many years he has felt that there is a lot more to land preservation than acquisition. The land has to be respected to be protected. Monitoring and education are a part of that. He noted that Burlington County has a monitoring program for its farmland preservation program that involves annual visits to all protected farms. He said the support of these PCF policies will add to land protection.

Commissioner Lloyd said he was concerned about a proposal by the New Jersey Department of Environmental Protection to lift the deed restriction on 82 acres of recently acquired lands to allow an industrial use. He said Green Acres does a great job and has broad public support but the Commission would not want to support the sale of Green Acres protected lands that had been acquired with PCF funding.

Ms. Roth said the Deed of Conservation Restriction (DCR) using the PCF monies can be clearly more restrictive than those of Green Acres and there are other program options to make the DCR stricter according to the Commission's interests.

Commissioner Lloyd said he supported the proposal but wanted to be convinced that the lands would be preserved permanently before partnering with Green Acres on future projects.

Chairman Lohbauer said he wanted to address those members of the public who had commented at the hearing urging that the PCF money be used strictly for land preservation. He said he was not insensitive to that concern but he supported the comments of his fellow Commissioners this morning. Acquisition alone is not adequate. The Commission needs to make an effort to educate the public of the value of these treasures that are the Pinelands. He said the policy changes will take a more balanced look at Pinelands protection. He said this is an appropriate use of funds and there are no other pots of money, as had been suggested by the public, for the Commission to utilize for education and outreach.

Chairman Lohbauer called for a vote and all voted in favor of advancing the resolution to the Commission.

4. Update on the streamlining Memorandum of Agreement between the Pinelands Commission and The Richard Stockton College of New Jersey

Mr. Liggett left the room and Ms. Roth stated that he was recusing himself as he is currently an adjunct professor at The Richard Stockton College of New Jersey (*Stockton*).

Ms. Roth said the permitting Memorandum of Agreement (MOA) with Stockton had been the subject of a 2012 public hearing. She said the Commission previously approved Stockton's Master Plan that identifies development pockets. The proposed MOA allows Stockton to proceed with projects within those development pockets without the need to file formal development applications with the Commission. These will be dealt with by staff and not require full Commission approval unlike other typical public development applications. Stockton will still be required to prove the projects are consistent with the Master Plan and the Comprehensive Management Plan (CMP), including stormwater regulations, clearing limits, etc. The MOA process was stalled when a number (~5 or 6) of violations were identified. Stockton has either corrected, or is in the process of correcting, those issues and now wants to proceed with the MOA. Since roughly a year and a half has passed since the MOA was signed, staff would like to provide the public with an opportunity to provide any further written comment. The MOA would be posted on the website and after the close of public comment, the staff would provide a response.

Commissioner Lloyd said he would like to look at the MOA and discuss the violations. He said since so much time has passed, another public hearing should be considered.

Ms. Roth responded that there have been no changes to the terms of the MOA, with the exception of a forestry plan that was approved by the Commission and is no longer subject to the MOA.

In response to Commissioner Jackson's question as to how the Commission would handle another violation in the future, Ms. Roth said the MOA could be suspended or ultimately, terminated. She reminded the Committee that this was a permitting MOA, not a deviation MOA.

In response to a question from Commissioner Prickett if this were similar to the MOAs the Commission has with municipalities and counties for various road projects, Ms. Roth said yes, they are similar. They are for *de minimis* activities. The MOA with Stockton is for projects within previously-approved development pockets and staff would review them like private development applications. An MOA is discretionary on the part of the Commission.

Ms. Grogan said the Commission has the ability to work with a municipality through a similar process, noting the recently approved alternative permitting program within a redevelopment area in Waterford Township. That took a similar approach in that the Commission pre-reviewed the environmental, historic and cultural issues and an ordinance was certified that allowed a streamlined process. (*See Minutes of January 27, 2012 CMP P&I Committee meeting*) Ms. Grogan said that another municipality with a similar area could approach the Commission with such a plan; the CMP provides this mechanism for private development.

Commissioner Ashmun said the Commission needs to look carefully at the Stockton MOA to make sure nothing slips through.

Ms. Roth responded that, because of that history, the conditions are in place to suspend or terminate the MOA if necessary.

Chairman Lohbauer suggested that, if during the 30-day public comment period it becomes evident that the public requests a formal hearing, then one could be scheduled.

In response to Commissioner Lloyd's question if Stockton has submitted any applications for development within the development pockets, Ms. Roth said not to her knowledge. She invited Mr. Skip Ward, Director of Facilities Planning for Stockton, to address the Committee.

Mr. Ward said he had held his position for roughly two years and was aware of the issues. He said there is a new administration in the facility division and that Stockton is committed to working with the Commission in a spirit of cooperation. He said Stockton had received a \$57 million state grant to be used for two new buildings, both on existing parking lot resulting in no new impacts. The College will be constructing a new Atlantic County 9-1-1 dispatch facility for the region. Information on these projects will probably be provided to the Commission after the first of the year.

Commissioner Jackson said he appreciated Mr. Ward's comments on cooperation.

In response to a question from Commissioner Lloyd as to how parking would be accommodated, Mr. Ward said the College is looking at various approaches. Although the Master Plan calls for a parking garage, it is uncertain if that will be built.

In response to Commissioner Prickett's question as to how the 9-1-1 dispatch facility fits into the mission of the College, Mr. Ward responded that the existing College police department building is antiquated. As part of the two-story 9-1-1 facility, Stockton's police department will move into the first floor of the new building with the County 9-1-1 emergency response facility located on the second floor.

In response to Commissioner Jackson's question as to what he meant by a facility for the "region", Mr. Ward said it would be for Atlantic, Ocean and Cape May counties. Commissioner Jackson said he was pleased to hear that as such a facility had been sorely needed for some 10 years.

In response to Commissioner Prickett's question regarding educational/career opportunities at the 9-1-1 facility, Mr. Ward said he believed it would be an element.

Mr. Ward concluded by saying that Stockton is committed to working with the Pinelands Commission.

Ms. Roth received confirmation from Chairman Lohbauer that staff should post the MOA and start the comment process. In the meantime, copies of the MOA should be distributed to Committee members.

5. Public Comment

Ms. Roth reminded all present that, as the comment period was closed, anyone wishing to speak on revisions to PCF policies must have submitted comment previously and could not introduce any new information.

Mr. Chris Jage, with the New Jersey Conservation Foundation (NJCF) said he wished to amplify a portion of his oral comment provided at the July 9, 2014 public hearing on PCF policy. He said monitoring of Pinelands-generated easements was vital and that Commissioners Prickett and Lloyd were correct in their comments on protecting protected lands. He noted that no matter how carefully the easement documents are crafted, incidents such as what is currently occurring on the Hammonton soccer fields can occur when there is a grey area in the document. He said that NJCF has decades of experience with baseline documentation, monitoring and legal enforcement. He said NJCF commended the Commission for its efforts and offered assistance with training if needed.

Commissioner Lohbauer thanked Mr. Jage for his support.

Mr. Fred Akers, with the Greater Egg Harbor Watershed Association (GEHWA) and a member of the Atlantic County Utilities Authority (ACUA), noted that at a recent ACUA meeting, the representative of the Atlantic City Utilities Authority stated that the closing of four casinos currently under consideration would lead to a 10% reduction in sewage flow. Also, he relayed a story regarding the former Sahara Sands mining operation in Monroe Township. He said when it was operational, the company had protected a wetland area at the center of the mining area and it had been maintained as tree frog (and other species) habitat. After cessation of mining, Green Acres acquired the property intending to develop it as an All-Terrain Vehicle (ATV) park. That never developed and the Commission subsequently redesignated the site and surrounding lands from the Rural Development Area (RDA) to the FA. The GEHWA has now adopted the site and conducts surveys and annual frog walks on the site. However, the property has become overrun by illegal ATVs and other vehicles cutting in roads through even the sensitive vernal pond area. He said that following a recent evening outing during which his walking tour group was verbally assaulted by trespassers in vehicles, members of his group returned to find their vehicles, parked legally outside the property, had been vandalized. He notified Mr. Tony Petrongolo (Chief, NJ Division of Fish and Wildlife, Bureau of Land Management) who subsequently blocked off the area with guard rails. He said the land had been purchased with public money and he felt that even with education, some people were incapable of respecting the land.

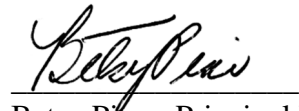
Chairman Lohbauer thanked Mr. Akers for his comments.

Commissioner Ashmun displayed a copy of the Star Ledger newspaper noting that it featured an article citing Commissioner DiBello, the National Park Service superintendent of the Washington-Rochambeau National Historic Trail. The online version of the article is located at

http://www.nj.com/union/index.ssf/2014/07/union_county_marks_revolutionary_war_route_linking_historic_sites.html

The meeting adjourned at 10:35 a.m. (moved by Commissioner Jackson and seconded by Commissioner Prickett).

Certified as true and correct:



Betsy Pifer, Principal Planning Assistant

Date: July 31, 2014

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SUMMARY

The Committee adopted the minutes of the May 30, 2014 meeting.

The Committee received an update from representatives of Ocean County regarding land acquisition associated with the Memorandum of Agreement for the Robert J. Miller Airpark. The County will be acquiring a 566-acre parcel in the Preservation Area District in Lacey Township to satisfy the offset requirement. In addition, other unrelated but sensitive lands in Manchester's Preservation and Forest Areas are being purchased from the same property owner for a total of 1,766 acres.

The Committee discussed and recommended Commission approval of proposed revisions to policies for the use and management of the Pinelands Conservation Fund.

The Committee received an update on the proposed streamlining Memorandum of Agreement between the Pinelands Commission and the Richard Stockton College of New Jersey. Because so much time has passed since a public hearing on the MOA was held, the MOA will be posted on the Commission's website and a 30-day public comment period will be established.