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Governor

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## State of New Jersey

THE PINELANDS COMMISSION

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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

### NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, August 8, 2014

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

- July 11, 2014 (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 1982-3657.019)
  - Approving With Conditions an Application for a Public Development (Application Number 2013-0030.001)

- Approving With Conditions an Application for a Certificate of Appropriateness (Application Number 1990-0421.010)

B. Planning Matters

- Municipal Ordinances
  - None
- Other Resolutions
  - To Revise the Policies for the Use and Management of the Pinelands Conservation Fund
- CMP Amendments
  - None

5. Public Comment on Agenda Items and Pending Public Development Applications (see attached list) *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*

6. Ordinances Not Requiring Commission Action

- Buena Vista Township Ordinance 8-2013
- Buena Vista Township Ordinance 6-2014
- Buena Vista Township Ordinance 5-2014

7. Other Resolutions

- None

8. General Public Comment *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*

9. 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.)*

10. Adjournment

### **Upcoming Meetings**

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

Tues., August 26, 2014 Personnel & Budget Committee Meeting (9:30 a.m.)

Wed., August 27, 2014 Policy & Implementation Committee Meeting (9:30 a.m.)

Thurs., Sept. 11, 2014 Pinelands Commission Regular Monthly Meeting (6:00 p.m.)

### **Office Closures**

Monday, September 1, 2014 Labor Day



*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.*

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Disclaimer

These minutes reflect the actions taken by the Commission during its August 8, 2014 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 August 21, 2014.

PINELANDS COMMISSION MEETING<sup>1</sup>  
Richard J. Sullivan Center  
Terrence D. Moore Conference Room  
15 Springfield Road  
New Lisbon, New Jersey

MINUTES

**August 8, 2014**

Commissioners Present

Bill Brown, Sean Earlen, Ed Lloyd (by telephone), Paul E. Galletta, Richard Prickett, Jane Jannarone (by telephone), Gary Quinn, Fran Witt (by telephone) and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Candace Ashmun, Joe DiBello, Alan W. Avery, Jr., Ed McGlinchey, Robert Jackson and D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:36 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 nine Commissioners present.)

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

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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.

## Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the July 11, 2014 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Earlen seconded the motion.

The minutes of the July 11, 2014 Commission meeting were adopted by a vote of 8 to 0, with Commissioner Quinn abstaining.

Chairman Lohbauer welcomed Commissioner Witt back.

Chairman Lohbauer recognized Ms. Robyn Jeney, a Regulatory Programs Specialist, for 10 years of dedicated service at the Commission. Ms. Jean Montgomerie was presented with a plaque for her 20 years of committed service to the Commission.

## Committee Chairs' Reports

### Personnel & Budget Committee

Acting Committee Chairperson Prickett updated the Commission on action from the July 29, 2014 Personnel and Budget (P&B) Committee meeting:

The Committee adopted the minutes from the April 1, 2014, April 29, 2014, and June 3, 2014 meetings.

The Committee reviewed and recommended Commission approval of the Resolution to Adopt the FY 2015 budgets. This was for the Operating Budget only.

Ms. Wittenberg reviewed the FY 2015 Operating Budget and budget notes. Ms. Wittenberg said that the state appropriation remains the same as the last few years. Because application fees have been lower this fiscal year, the amount for FY2015 has been decreased. The salary expenditure does not include any changes that may result from contract negotiations, which will require a budget amendment. There is also a slight decrease in salaries this year due to vacancies. Currently, there is zero allocated for the travel budget, but an adjustment is needed to account for Commissioners travel expenses. The budgets for the Pinelands Conservation Fund and Kirkwood/Cohansey and their budget notes are expected to be presented at the next P&B meeting.

The Equipment Capitalization System Deletion report was reviewed.

Ms. Wittenberg reviewed the financial statements and the June check register, electronic disbursements and application fees. Michelle Russell provided an update on employee actions.

The Committee went into Closed Session.

### Policy & Implementation Committee

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Chairman Lohbauer updated the Commission on action from the July 25, 2014 Policy and Implementation (P&I) Committee meeting:

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.

Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- The Plan Review Report is nearing completion and is expected to be provided to Commissioners at the September Commission meeting. She said staff has been working diligently on finalizing the report.
- The Pinelands Municipal Council met at the end of July in Weymouth Township. She said she briefed the Council on Plan Review, the soccer tournaments in Hammonton and the South Jersey Gas pipeline.

Mr. Larry Liggett provided an update on the following:

- The Annual Alternate Septic System Report will be presented at the August P&I meeting.
- New Jersey Future released its report: Protecting Water resources in the Growth Areas of the New Jersey Pinelands, which has either been distributed to Commissioners this morning or mailed previously.
- The Commission provided comments to the Council on Affordable Housing (COAH) on its proposed rules.
- The Cape May County Municipal Utilities Authority (CMCMUA)/ Woodbine Leachate study is almost complete. The study results show that either an expansion of the Woodbine Developmental Center's existing sewage plant or the construction of an interceptor at the CMCMUA facility are the most viable options.
- The Commission will enter into a new monitoring agreement with the U.S Geological Survey (USGS). USGS will monitor streams in Monroe Township and Camden County to ensure that the headwaters of the Mullica and Great Egg Harbor

Rivers remain unaffected from the withdrawal of sewage that is transferred from the Camden and Gloucester County Municipal Utilities.

Mr. Chuck Horner provided an update on the following:

- Staff reviewed an application for a gas main in the Village of New Gretna. Mr. Horner said the Commission's rules allow for this type of development activity without application to the Commission because the area is already developed. The application must still adhere to all environmental standards.
- The New Jersey Department of Environmental Protection (NJDEP) recently issued a letter banning a certain Recreational Vehicle Event group from Wharton State Forest for two years, for misconduct at a recent event held at Wharton. The Commission issued a letter in support of NJDEP's letter regarding this matter.
- Medford Township expanded its Local Review Officer (LRO) program to include the review of both home occupation and change of use applications several years ago. The Local Review Officer program is a streamlining effort between municipalities and the Commission. Medford's LRO recently processed an application for a change of use in the municipality's downtown area, allowing for the conversion of a bank to a new restaurant.
- Two wetland mitigation proposals were recently submitted to the Commission. One proposal in Ocean County proposes to create a 5 acre wetland. The other proposal, located in Bass River Township, proposes to remove phragmites from a 50-acre parcel that was previously disturbed when the Garden State Parkway was constructed.

Chairman Lohbauer said that he sent a letter to Chris Sturm of NJ Future and Dan Van Abs of Rutgers University, inviting them to attend a Commission meeting to present the findings of the water study that was recently released about the Pinelands Regional Growth Areas.

Chairman Lohbauer asked Mr. Liggett for clarification about the letter sent to COAH and imposing different standards in the Pinelands.

Mr. Liggett said he provided COAH with figures of vacant land in the Pinelands. He said he was unsure if COAH made the appropriate adjustment to include only vacant sewerable land. He said non-sewered vacant land should not have a COAH obligation. The conversation between the Commission and COAH remains open as the matter progresses.

#### Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval for the construction of a 120 square foot accessory building to the Town of Hammonton Municipal Airport.

Commissioner Galletta said he planned to recuse himself from voting on this resolution and asked Ms. Stacey Roth to offer her opinion regarding recusal.

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Ms. Roth said it has been the practice of the Commission that during a recusal the person leaves the room so the record is not harmed.

Commissioner Galletta said, as he previously stated at another Commission meeting, when a resolution regarding Hammonton is on the agenda he will no longer leave the room, he will only leave the dais. He said this decision is based on his research and discussions with judges and other attorneys. He said this is his personal decision.

DAG Heinzerling said that the recommendation for recusal is to leave the room.

Ms. Roth said if anyone has a conflict of interest about a matter before this Commission, it is in the best interest of this body to leave the room.

Commissioner Brown moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1982-3657.019) (See Resolution # PC4-14-27). Commissioner Prickett seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0 with Commissioner Galletta not participating in the vote.

Chairman Lohbauer presented a resolution recommending approval for the installation of stormwater piping in Woodbine Borough.

Commissioner Galletta moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 2013-0030.001) (See Resolution # PC4-14-28). Commissioner Earlen seconded the motion.

Commissioner Prickett asked if the current basin was large enough to deal with upgraded stormwater piping.

Mr. Horner said that the current stormwater management system predates the Pinelands Commission and there is no basin retaining any water.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Lohbauer presented a resolution recommending approval of an application for a Certificate of Appropriateness.

Commissioner Prickett moved the adoption of a Resolution Approving With Conditions an Application for a Certificate of Appropriateness (Application Number 1990-0421.010) (See Resolution # PC4-14-29). Commissioner Brown seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Other Resolutions

Commissioner Prickett moved the adoption of a Resolution To Revise the Policies for the Use and Management of the Pinelands Conservation Fund (See Resolution # PC4-14-30). Commissioner Galletta seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comments.

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioner had questions regarding the ordinances not requiring Commission action:

- Buena Vista Township Ordinance 8-2013
- Buena Vista Township Ordinance 6-2014
- Buena Vista Township Ordinance 5-2014

No members of the Commission had questions.

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

Mr. Fred Akers of the Great Egg Harbor Watershed Association said he recently attended a Hamilton Township Planning Board meeting at which the Hamilton Mall stormwater basins were discussed at length. He said the mall hired two consultants independent of the engineers to study five basins that were not functioning properly. He said before the stormwater improvements at the mall, 86% of stormwater flowed off-site now. Now only 5% flows offsite.

He said he remembered attending a meeting at the Commission a number of years ago at which the Executive Director of the Casino Reinvestment Development Authority was present. The Executive Director of the Casino Reinvestment Development Authority said the casino explosion was coming and amendments to the CMP would be necessary to allow for more development in Regional Growth Areas. Mr. Akers said the market in Atlantic City decreased rather than expanded; therefore, there is no need for increased energy to the area.

Mr. Horner said Mr. Ken Carter of the Commission staff worked diligently with Hamilton Township and the engineers for the mall to find a solution to the stormwater issues at the mall property.

Fran Brooks of Tabernacle Township said she disagreed with the use of the Pinelands Conservation Fund monies to help fund a visitor center at the Commission. She said the

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money would be better spent on land preservation. She asked if there was a breakdown of cost for the \$1.25 million. She asked questions about the public participation process at the Commission. She also said the public has a negative view of the Pinelands Development Credit (PDC) program. She asked if there is information on the PDC program in the Plan Review report.

Chairman Lohbauer said there is no breakdown of the how the \$1.25 million will be spent; rather, this resolution approves a policy decision. He said that he is not familiar with any negative perception of the PDC Program.

Ms. Wittenberg said that the Plan Review report has information on the PDC program as well as all of the Commission's programs.

Ms. Grogan added that the PDC Bank will release its annual report later this month.

Temma Fishman of Medford Lakes, NJ, urged Commissioners to make climate change a priority in the CMP.

#### Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session regarding a litigation matter.

Commissioner Prickett moved to retire into closed session. Commissioner Earlen seconded the motion. The Commission agreed to retire into closed session by a vote of 9 to 0, beginning at 10:38 a.m.

Commissioner Jannarone signed off at this time.

#### Return to Open Session

Commissioner Prickett made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 11:18 a.m.

Chairman Lohbauer said no action was taken in closed session.

#### Adjournment

Commissioner Prickett said that he heard about the wind turbine proposal at the Jersey Shore and said it could power 10,000 homes.

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Commissioner Brown moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 11:20 a.m.

Certified as true and correct:

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

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