

Disclaimer

These minutes reflect the actions taken by the Commission during its May 11, 2018 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 23, 2018.

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

MINUTES

May 11, 2018

Commissioners present

Alan W. Avery Jr., Paul E. Galletta, Jordan P. Howell, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

D'Arcy Rohan Green. Jane Jannarone participated briefly during the beginning of the meeting.

Commissioners Absent

Candace Ashmun, Bob Barr & Giuseppe Chila.

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

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented the minutes from the April 13, 2018 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The April 13, 2018 Commission meeting minutes were adopted by a vote of 9 to 0, with Commissioner Rohan Green abstaining. Commissioner Jannarone was not on the telephone at the time of the vote.

Exhibit Center Naming

Commissioner Avery said he suggested to Commissioners and staff that the exhibit center be named after Commissioner Ashmun and requested a resolution be drafted to formalize the process of the naming. He said Commissioner Ashmun is the only remaining original member of this Board and she has been involved with numerous noteworthy achievements on this Commission and for the Pinelands.

Chairman Earlen read the resolution into the record. He said the new educational space will be officially named the Candace McKee Ashmun Pinelands Education Exhibit.

Commissioner Avery moved the resolution To Officially Name the New Pinelands Exhibits at the Pinelands Commission's Headquarters in Honor of Commissioner Candace McKee Ashmun. The resolution was seconded by Commissioner Lloyd and adopted unanimously (See Resolution # PC4-18-13).

Some Commissioners shared their appreciation of Commissioner Ashmun's work through the years.

ED Wittenberg added that as soon as Commissioner Ashmun is available, we will have a dedication.

Commissioner Jannarone joined the meeting by telephone after the vote to name the Pinelands exhibit.

Pinelands Conservation Fund

Commissioner Lloyd recused himself from this matter because he represents the New Jersey Conservation Foundation (NJCF). Commissioner Avery said he would also be recusing himself from this matter because he is a member of the Ocean County Natural Lands Trust Board. Both Commissioners left the meeting room. Commissioner Rohan Green said she would also be recusing herself, because she is a member of the Ocean County Natural Lands Trust Board.

Chief Planner Susan Grogan said that the CMP Policy and Implementation Committee was unable to authorize the advance payment of \$169,000 to the NJCF due to the lack of quorum. She said the full Commission needs to vote to authorize the advance payment so

NJCF can close on the acquisition project in Woodland and Southampton townships at the end of this month.

Commissioner Lohbauer made a motion to authorize advance payment of \$169,000 from the Pinelands Conservation Fund (PCF) to the New Jersey Conservation Foundation. Commissioner Galletta seconded the motion. All were in favor.

Commissioner Lloyd and Commissioner Avery returned to the dais.

Committee Chairs' Reports

Chairman Earlen provided an update on the April 27, 2018 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the March 23, 2018 meeting.

The Committee recommended conditional certification of Egg Harbor Township Ordinance 35-2017.

The Committee received a presentation on Winslow Township's Regional Growth Area rezoning plan to promote commercial development along Route 73 and increase residential development potential. The Township will be updating its master plan prior to adopting implementing ordinances.

The Committee received copies of the 2017 implementation report on the Alternate Design Treatment Systems Pilot Program and a presentation on the report, including a recommendation that the installation deadline for these systems be removed from the CMP.

The Committee received an update on the four 2017 Pinelands Conservation Fund land acquisition projects. In closed session, the Committee approved an extension until December 1, 2018 for a project in Burlington County to obtain a contract with the landowner, certification of fair market value of the property and a grant agreement.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- The auditors will be on-site beginning May 23, 2018 to conduct the FY 17 Audit.
- Chief Scientist John Bunnell recently worked with the New Jersey Department of Environmental (NJDEP) Protection, Herpetological Associates and the New Jersey Conservation Foundation to install barriers at Apple Pie Hill to protect vulnerable areas. (A picture was displayed of the barriers and is attached to these minutes.)
- Jonathan Meade from the National Park Service has requested a meeting with Commission staff. He advised staff that his name has been submitted for consideration as Pinelands Commissioner.
- Recruitment for a programmer in the Management Information Systems office continues. The Commission was able to post the job on the Office of Information Technology's website, which generated additional candidates.

Commissioner Lloyd asked ED Wittenberg if she had the opportunity to talk to the NJDEP about protecting other state parks from off-road vehicle damage.

ED Wittenberg said she briefly spoke with Ray Bukowski, the new Assistant Commissioner of Natural & Historic Resources, about a number of issues. She said she will reach out to have a specific conversation about the parks soon.

Director Charles Horner highlighted the types of development the Comprehensive Management Plan (CMP) permits. He provided an overview of the types of development that require an application to the Commission and activities that are exempt from review. See presentation slides for additional information.

Director Horner answered questions about the limitations of clearing on a parcel, street lighting and air quality.

Chief Planner Grogan said an update on the Long Term Economic Monitoring program will be given at May 18th Policy and Implementation Committee meeting. She said a rule proposal will be on the June 8th Commission meeting agenda. She said the CMP needs to be amended to eliminate the installation deadline for the alternate design septic pilot program.

Commissioner Jannarone ended the call.

Paul Leakan showed the Commissioners the permit that was recently issued for the Pinelands exhibit. He said the Commission has agreed to a change work order and has sent the contractor a letter to extend the contract by one year. He said the exhibit is expected to be complete in approximately six months. He also said the Summer Pinelands Short Course is scheduled for July 19th and will include seven field trips, including a trip to Atlantic Blueberry Farm.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the placement of a 175- linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek in Pemberton Township.

Commissioner Prickett announced he would recuse from voting on this resolution because he resides in Pemberton Township. He left the room.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-3514.005) (See Resolution # PC4-18-14). Commissioner Pikolycky seconded the motion.

Commissioner Lloyd asked if a wetlands permit was required from the NJDEP.

Director Horner confirmed that a NJDEP Freshwater Wetlands Permit is necessary.

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

Commissioner Prickett returned to the dais.

Planning Matters

Chairman Earlen presented a resolution recommending a conditional certification of Egg Harbor Township Ordinance 35-2017.

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Conditionally Certify Ordinance 35-2017, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township. (See Resolution # PC4-18-15). Commissioner Lohbauer seconded the motion.

Chief Planner Grogan said the ordinance is being recommended for conditional certification. She said the ordinance is not consistent with the Commission's standards for assisted living facilities in the Regional Growth Area. She said staff has discussed the issue with Egg Harbor Township and advised them that a residential density must be established and the use of Pinelands Development Credits will be required in excess of that number. She said the Township is not happy with the CMP standards regarding assisted living facilities. Staff has provided the Township with some alternatives. She advised the Commissioners she would keep them informed.

Commissioner Prickett asked about how the staff tracks ordinances such as this one.

Chief Planner Grogan said staff has an in-depth system which is used for tracking ordinance and master plans. She said it is more complicated to manage instances where the Commission disapproves or conditionally approves ordinances for which the towns do not respond. She said there is the potential for the town to adopt and publish the ordinance in its code. She said she will remind Egg Harbor that this ordinance is not in effect until it is formally approved by the Commission.

The Commission adopted the resolution by a vote of 10 to 0.

Public Comment on Public Development Applications and Items where the record is open

No one from the public spoke.

Ordinances Not Requiring Commission Action

Chairman Earlen asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Buena Vista Township Ordinance 53-2018
- Egg Harbor City Ordinance 16-2017
- Galloway Township Ordinance 1988-2018
- Jackson Township Ordinance 05-18
- Mullica Township Ordinance 5-2018

Chief Planner Grogan mentioned that a number of towns have been submitting redevelopment plans.

General Public Comment

Katie Smith with the Pinelands Preservation Alliance encouraged the Commission to move forward on the Black Run rule proposal.

Margit Meissner Jackson, Acting Chair of the Ocean County Sierra Club, spoke about water issues related to the growing population in Ocean County. She also said she does not support cutting down trees near the Bass River Fire tower.

Resolution to Retire into Closed Session

DAG Velzy read a resolution to enter into closed session to discuss anticipated litigation.

Commission Lloyd made a motion to enter into closed session. Commissioner Lohbauer seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0, beginning at 10:33 a.m.

Return to Open Session

The Commission entered back into open session at 11:25 a.m.

DAG Velzy said that in closed session the Commission discussed attorney client advice as a follow up to a request by a Commissioner. No action was taken.

Adjournment

Commissioner Prickett moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn at 11:29 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: May 22, 2018