

Disclaimer

These minutes reflect the actions taken by the Commission during its December 9, 2011 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 December 22, 2011.

PINELANDS COMMISSION MEETING¹

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

MINUTES

December 9, 2011

Commissioners Present

Candace Ashmun via teleconference, William Brown, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta, D'Arcy Rohan Green, John A. Haas, Bob Jackson, Edward Lloyd, Gary Quinn, Francis A. Witt and Chairman Mark S. Lohbauer. Also present were Executive Director Nancy Wittenberg and DAG Kristen Heinzerling.

Commissioners Absent

Ed McGlinchey and Richard Harris

Chairperson Lohbauer called the meeting to order at 9:39 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 12 Commissioners present.)

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

Minutes

Chairperson Lohbauer presented the November 10, 2011 Commission meeting minutes, and Commissioner Lloyd moved the adoption of the minutes. Commissioner Ficcaglia seconded the motion.

¹ 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 November 10, 2011 meeting were adopted by a vote of 12 to 0.

Committee Chairs' and Executive Director's Reports

Chairman Lohbauer updated the Commission on happenings from the November 29, 2011 P&I Committee meeting:

The Committee adopted the minutes of the October 28, 2011 meeting.

The Committee received staff presentations on the following matters:

- Review of a draft Memorandum of Agreement with Stockton College, presented by Mr. Larry Liggett
- Review of the development of a Memorandum of Understanding with NJ Department of Environmental Protection regarding Water Quality Management Plans, presented by Ms. Stacey Roth
- Discussion of the municipal conformance process presented by Ms. Susan Grogan.

The Committee learned that Ms. Wittenberg is authorized to extend the 2006 contract with Conservation Resources, Inc. beyond the original December 2011 deadline. This contract is for the acquisition component of the Pinelands Conservation Fund and will be extended by 18 months, allowing CRI to complete several active projects and perhaps offer another round of projects early in 2012.

Executive Director's Report

Ms. Wittenberg updated the Commissioners on the following:

- A meeting was held with the Office for Planning Advocacy (OPA) to discuss the new State Strategic Plan. Dan Kennedy and Gerry Scharfenberger from OPA, along with staff representation from the Highlands, Meadowlands and Pinelands, were in attendance. OPA provided an overview of the draft State Strategic Plan and noted that they recognize the Pinelands Commission's statutory authority. There was discussion regarding Executive Order No. 78 (<http://www.nj.gov/infobank/circular/eocc78.pdf>), which establishes a steering committee to ensure the coordination of all state agencies regarding State Plan implementation. The Commission has an existing Memorandum of Agreement (MOA) with the State Planning Commission from 1999. OPA wants to revisit it and possibly make some adjustments. It is unclear when, but they will be transitioning from the old state map to a new state map, which will have much broader lines than the existing map. Mr. Liggett added that many of the current incentives in various departments are tied to the state map and if the Pinelands is not part of it (for many years, we were not) Pinelands municipalities will not be able to take advantage of these incentive packages.

- The Forest Advisory Committee will meet on December 20, 2011 to discuss the Southern Pine Beetle, current legislation and other forestry issues.
- A business writing class was held for Commission staff. Next week staff will attend customer service training presented by NJDEP. A few staff members will also be attending a grant writing class.
- Ms. Wittenberg attended a climate change seminar at Rutgers and addressed members of the Environmental Committee at an engagement at the Chamber of Commerce Southern New Jersey.

Mr. Liggett updated the Commission on the following:

- Staff continues to work with Estell Manor and their landfill closure plan which will be a prototype for other towns
- Staff is working on an expediting MOA for Stockton College. The MOA will be discussed at an upcoming P&I Committee meeting.
- Staff formed a working group about a year ago to discuss ways to use the data from the Kirkwood-Cohansey study. Recently staff reached out to DEP's Water Supply Management staff to join the group in order to share approaches and ensure no incompatibilities.
- Many municipalities are moving forward with clustering ordinances. Any towns that seek to deviate from the Commission's clustering rules will come before the P&I Committee.
- Planning staff and Regulatory staff are working on an innovative permitting process. The goal is to have an expedited approach for development proposed in Regional Growth Areas, which are sewerred and do not have environmental issues. The first model is in Waterford Township and will be discussed at a future P&I Committee.

Mr. Horner updated the Commission on the following:

- The Pinelands Municipal Council met on November 29th for the final time this year. Chairman Lohbauer was in attendance and introduced himself to the Council with a brief speech.
- Commission staff held a meeting with the attorney of the Hamilton Mall to discuss failing stormwater basins at the Mall. They are proposing a 100,000 square foot addition to the Mall and will go before the Township Planning Board on December 15, 2011.

- A question arose at the Commission's November meeting concerning the Ancora MOA and what guarantee do we have that the existing well will be used for emergency purposes only. After researching the issue, it was determined that a water allocation permit was necessary as part of the MOA amendment. As part of that permit, a monthly usage report was required, which is then provided to DEP on a quarterly basis.

A discussion took place concerning the drainage problems at the Hamilton Mall. Commission staff will defer to the licensed professionals from the Township and the Mall in devising a solution to solve the problem with the existing basins. It seems that a combination of construction techniques and/or the seasonal high water table caused the basins to fail. There was a similar drainage problem at the Walmart in Hamilton Township, which has since been resolved. Commissioner Jackson asked if the same design engineer was working on the Hamilton Mall project. Mr. Horner advised that although the design engineers are not the same, it will be the same review engineer at the Township.

Commissioner Haas requested an update on the PDC Bank. Ms. Wittenberg advised that all the PDC Bank files have been transported to the Commission. There has been a fair amount of activity, PDC's are being sold, and we are up and running.

Public Development Projects and Other Permit Matters

Commissioner Lloyd moved the adoption of the Resolution Approving With Conditions Applications for Public Development (Application Numbers 1993-0341.005 & 2005-0121.004) (See Resolution #PC4-11-41). Commissioner Galletta seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Resolutions Relating to Municipal Ordinances

There were no resolutions relating to municipal ordinances.

Public Comment on Agenda Items and Pending Public Development Applications

Ms. Amy Karpati, with the Pinelands Preservation Alliance, provided written comments for Application # 1982-2731.007(see attached) in which Ocean County is developing a garage facility. Ms. Karpati questioned Manchester Township's proposal to rezone the parcel, specifically the impact on PDCs.

Miscellaneous Resolutions

Commissioner Ficcaglia moved the adoption of the Resolution Setting Pinelands Commission Meeting Dates for 2012 (See Resolution #PC4-11- 42). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Chesilhurst Borough Ordinance 2011-7
- Corbin City Ordinance 7-2011
- Egg Harbor Township Ordinance 21-2011
- Evesham Township Ordinance 28-10-2011
- Ocean Township Ordinance 2011-21
- Pemberton Township Ordinance 19-2011
- Shamong Township Ordinance 2010-14
- Upper Township Special Resolution 02-11
- Upper Township Ordinances 008-2011 and 023-2011

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

Ms. Marybeth Bennett with Animal Rehabilitation Alliance of New Jersey, along with Barry Lefkowitz of Management & Government Resources, Inc., provided a copy of legislation which they support. The legislation pertains to the "Wildlife Rehabilitation Act" (attached). Ms. Bennett asked for the Commission's support in creating a board under the Department of Environmental Protection to oversee orphaned and injured wildlife rehabilitation.

It was suggested at the meeting that Ms. Bennett and Mr. Lefkowitz attend a future P&I meeting to discuss their legislation further.

Mr. Fred Akers, with the Great Egg Harbor Watershed Association, commended Mr. Horner for his work on the stormwater issue at the Hamilton Mall, which Mr. Akers recalled being a problem for a long time. He also stated that, as part of the last Plan Review, there was a huge emphasis on casino expansion, which never materialized. He provided an article from the Press of Atlantic City which reported a major decline in the Atlantic City gaming industries. He asked that during the upcoming plan review, the Commission consider that times have changed and there isn't as much pressure to accommodate development as in the past.

Link to Article: (www.pressofatlanticcity.com/news/breaking/study-atlantic-city-casino-revenue-will-decline-through/article_f3226162-2136-11e1-bfc7-0019bb2963f4.html)

Ms. Amy Karpati, with the Pinelands Preservation Alliance, provided comments (attached) regarding Application #2011-0091.001(Wharton State Forest Plantation). Ms. Karpati questioned the choice of planting loblolly pine and white pine rather than letting the site revegetate naturally.

Ms. Karpati also provided written comments and pictures of a recently approved public development application (#1986-0122.020) for the installation of a gas main along the

Routes 70 and 72 rights-of-way. The disturbed area expanded more than what was originally approved.

Staff will follow-up with the Applicant and report back at the January Commission meeting on the findings.

Ms. Blanche Krubner, of the Board of Trustees for Pinelands Preservation Alliance, wanted to advise the Commission that the most simple and effective environmental constraints on any invasive or even native predatory species is biological diversity. Plantations are the opposite of this. Biological diversity also requires the least amount of money or effort. She asked that this idea be kept in mind when granting permits.

There was no need for a closed session.

Adjournment

Commissioner Haas moved to adjourn the meeting. Commissioner Lloyd seconded. The Commission agreed to adjourn at 10:51 a.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: _____