

Disclaimer

These minutes reflect the actions taken by the Commission during its November 4, 2016 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 November 17, 2016.

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

MINUTES

**November 4, 2016**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bill Brown, Joe DiBello, Paul E. Galletta, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Mary Maples and Deputy Attorney General (DAG) Sean Moriarty.

Commissioners Absent

Bob Barr, Giuseppe Chila, Jane Jannarone and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:32 a.m.

DAG Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners present.)

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

Minutes

Chairman Earlen presented the minutes from the October 14, 2016 Commission meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the October 14, 2016 Commission meeting were adopted by a vote of 10 to 0. Commissioner Brown abstained from the vote.

Committee Chairs' Reports

Chairman Earlen provided an update on the October 25, 2016 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the August 26, 2016 meeting.

The Committee received a presentation by Waterford Township on its proposed Haines Boulevard Redevelopment Plan and by staff on the associated density, Pinelands Development Credits (PDCs) and water supply issues. The Committee endorsed the concepts and encouraged the Township to proceed with adoption of the Redevelopment Plan.

The Committee received an update from staff on potential enhancements to the PDC program, focusing on responses to recommendations made by the building industry and the farm community. The Committee asked staff to proceed with its (staff) recommended revisions to the previous proposal.

Executive Director's Reports

Ms. Wittenberg introduced Mr. Evan Bossett, who was recently hired as the new MIS/GIS Manager.

Mr. Larry Liggett said staff continues to work on alternatives to address the data generated by the Kirkwood-Cohansey study. He said that a drought warning was issued for 14 counties in the state and four counties are under a drought watch.

Commissioner Ashmun noted that the Highlands Coalition took aerial shots of reservoirs in North Jersey. She said the pictures can be viewed on the Coalition's website and the pictures show the severity of the drought.

Mr. Chuck Horner updated the Commission on the following:

- Shamong Township has submitted an application for the development of a cemetery. He said the Township has been searching for a parcel to develop for quite awhile. The parcel they have chosen is located in a Pinelands Village along Route 541.
- Staff is in the process of determining whether railroad upgrades are considered a maintenance activity or development and if the activities would require application to the Commission. He said the Interstate Commerce Commission Termination Act of 1995 states that so as long as the maintenance does not interfere with the

operation of the railroad, the rail company must comply with the standards of the Comprehensive Management Plan (CMP).

Commissioner Ashmun asked about the nature of the upgrades to utility right-of ways referenced in the September 9<sup>th</sup> Commission meeting minutes.

Mr. Horner said that in 2006 a vegetation management plan was created for the three major utilities in the Pinelands to develop a method of maintaining the right-of-ways to deliver reliable energy while keeping the requirements of the CMP in mind. He said some of the utilities are finding it necessary to develop access roads to the right-of ways. Access roads are not covered under the vegetation management plan. Mr. Horner said the vegetation management plan may need to be revised in the future to incorporate access roads. The vegetation management was developed as a pilot program, and the Commission is obligated to review the pilot in 2019.

In response to questions raised by Commissioner Lloyd about development associated with railroads, Mr. Horner specified what types of railroad development activities require application to the Commission. He also said the main concern with the replacement of railroad ties is related to threatened and endangered species.

Mr. Paul Leakan said the Commission held its Annual Pinelands World Water Monitoring Challenge on Friday, October 21<sup>st</sup> at Batsto Village. He said the event received positive feedback from teachers and students in attendance. He said Commissioner Prickett stopped in at the event.

Mr. Leakan said that thanks to Commissioner DiBello the Commission was provided funding assistance from the National Park Service and is using the funds to produce a 2017 Pinelands wall calendar.

Commissioner Prickett said he attended World Water Monitoring Challenge, and it was great. He commended Tony McNichol, Cultural Resource Planner, for his presentation on the history of the Pinelands.

Chairman Earlen asked for an update on the interpretive center.

Mr. Leakan said architectural drawings need to be provided to the Department of Treasury. He said Split Rock Studios is preparing shop drawings that will be used to fabricate the exhibits.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval for the demolition of three buildings and the construction of an 11,502 square foot emergency services building for the Camden County Improvement Authority.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2006-0398.002)(See Resolution # PC4-16-38). Commissioner Lohbauer seconded the motion.

Commissioner Prickett asked if any of the structures to be demolished are on the National Register of Historic Places and the process for determining if a cultural resource survey is necessary. He also asked if there were any pictures of the structures to be demolished.

Mr. Horner said that Mr. McNichol, the cultural resource planner for the Commission, reviewed the application and determined that the three structures to be demolished had no historical significance and a cultural resource survey was not required. Mr. Horner said that all major development, including minor development applications located in Villages and Pineland Towns, are reviewed by the cultural resource planner for historic significance. He said archeological sites and indicators such as wetlands are reviewed to facilitate the decision in determining the need for a survey. Mr. Horner passed around photographs of the structures to be demolished on the proposed development site.

Commission Ashmun said she was disappointed that Pinelands Development Credits were not required to be purchased.

The Commission adopted the resolution by a vote of 11 to 0.

#### Public Comment on Agenda Items and Pending Public Development Applications

No members of the public spoke.

#### Ordinances Not Requiring Commission Action

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

- Jackson Township Ordinance 21-16
- Monroe Township Ordinance O:25-2016 & O:27-2016

No members of the Commission had questions.

#### Presentation- State of the Bay Report

Ms. Wittenberg introduced Dr. Stan Hales who serves as the Program Director for the Barnegat Bay Partnership. She said the following staff members participate regularly with the Partnership: Joel Mott, Patrick Burritt and Ed Wengrowski.

Dr. Hales said the Barnegat Bay Partnership is publicly funded and represents public interest. The partnership was established through federal law and is a planning entity charged with developing and promoting a Comprehensive Conservation Management Plan (CCMP) to protect and enhance the Barnegat Bay ecosystem. Dr. Hales said the Partnership works with state, federal and non-governmental organizations to solve the Bay's biggest problems. Dr. Hales showed a video on the Barnegat Bay.

After the video was viewed, Dr. Hales said that eutrophication is the biggest challenge in the Bay and he said it's not just the Barnegat Bay but all estuaries. He said what people do on land affects the quality of our water. He said the statewide fertilizer law that has been fully implemented can improve the condition of the Bay. He said the soil restoration law has yet to be implemented, despite passage about five year ago. He said the soil restoration law requires all new development to infiltrate stormwater on-site and could really decrease the negative impacts to the Bay if implemented. He said the website [www.jerseyyards.org](http://www.jerseyyards.org) offers tips to existing homeowners in New Jersey about ways to curb runoff.

A detailed discussion took place about how the Commission could help the Partnership with their goals. Topics raised as part of the discussion were: stormwater basins, water supply and conservation, and land preservation of the watershed. A question was raised about how many acres of the Pinelands Area are located within the Barnegat Bay Watershed.

Dr. Hales handed out copies of the State of Bay 2016 report. Link to the report: [http://bbp.ocean.edu/PDFFiles/SOTB%202016/BBP\\_State%20of%20the%20Bay%20book%202016\\_forWeb.pdf](http://bbp.ocean.edu/PDFFiles/SOTB%202016/BBP_State%20of%20the%20Bay%20book%202016_forWeb.pdf)

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

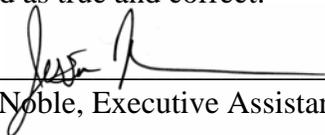
Jason Howell with the Pinelands Preservation Alliance said the off-road vehicle damaged sites located within a watershed are not infiltrating water. He said the State of New Jersey holds private land owners responsible for their lands but the state does not do the same.

Adjournment

Commissioner Prickett said that one of the structures documented in the photos Mr. Horner passed around for Application Number 2006-0398.002 reminded him of the poultry industry.

Commissioner Brown moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:05 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: November 14, 2016