

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
Friday, September 26, 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

STAFF PRESENT: Executive Director Nancy Wittenberg, Stacey Roth, Larry Liggett, Susan R. Grogan, Paul Leakan, and Betsy Piner.

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

1. Adoption of minutes from the July 25, 2014 CMP Policy & Implementation Committee meeting

Note: meeting scheduled for 8/27/14 had been canceled due to the lack of a quorum

Commissioner Prickett moved the adoption of the July 25, 2014 meeting minutes. Commissioner Jackson seconded the motion and all voted in favor.

2. Annual update on Pinelands Permanent Land Protection programs

Ms. Grogan made the presentation on the Annual Permanent Land Protection efforts for 2014 (*See Attachment A or <http://www.state.nj.us/pinelands/landuse/perm/2014PLP%20Presentation.pdf>*). She noted that all photographs in the presentation were taken on the Lenape Farms property in Estell Manor City for which the Commission had contributed a significant amount of money through the Pinelands Conservation Fund (PCF). Also, the map presented today (*Attachment B*) and distributed to all Committee members this morning would be posted on the web site at http://www.state.nj.us/pinelands/landuse/perm/PLP_2014_ARCHE_website.jpg.

Ms. Grogan summarized the permanent land protection programs as follows (*Please see Slide 1 of the presentation*): During the period August 2013 through June 2014, some 465 acres were preserved through the PCF with the acquisition of the Clarke project in Cape May County and the Clayton project in the Toms River Corridor of Manchester and Jackson Townships in Ocean County. The 96 acres preserved through the Pinelands Development Credit (PDC) program were

all in the Preservation Area District (PAD). The Limited Practical Use (LPU) program is winding down but 36 acres were preserved this year, mostly through the acquisition of many very small properties. The Density Transfer Program that allows for the development of otherwise undevelopable lots in the Rural Development Area (RDA) and Forest Area (FA) had preserved three acres; in total, this program has preserved about 1,000 acres. Finally, the Garden State Parkway, Exit 44 project, the subject of a public development approval, resulted in the protection of 131 acres thus far. Through a secondary impact agreement in exchange for allowing the improvement of the interchange, Atlantic County was obligated to preserve land.

In response to Commissioner Prickett's question, Ms. Grogan said that Atlantic County had been extremely proactive and it had taken about a year to preserve this acreage, roughly 1/3 of that required under the agreement.

Ms. Grogan summarized that a total of 731 acres had been preserved directly through Pinelands Commission programs and agreements.

Ms. Grogan presented additional slides showing that the 7,172 acres preserved through the PCF were mostly in the Forest Area while the 51,780 acres preserved through the PDC program were mostly in the Preservation Area District (PAD) (41%) followed by the Special Agricultural Production Area (SAPA) (32%), and the Agricultural Production Area (APA) at 26%, with the remainder (~1%) protected in other management areas.

In response to Commissioner Ashmun's question if any federal funds were used for these land protection efforts, Ms. Grogan said the federal money for the LPU program has been expended and there is still some general federal funding authorized but never appropriated.

Mr. Liggett said that \$40 million had been authorized but only \$30 million had been appropriated, and that had been early in the Pinelands program.

Commissioner Ashmun stated that the recent protection efforts have been by the State, the non-government organizations and the Pinelands Commission.

Ms. Grogan confirmed that in the early years, much federal funding had been expended but certainly not within the last 10 years. Also, Ms. Grogan said that none of the federally-owned lands are considered permanently protected, such as the Joint Base.

From the map (Permanently Protected Lands as of June 2014), Ms. Grogan directed the Committee to the grey area in Atlantic County in the vicinity of The Richard Stockton College of New Jersey and the Garden State Parkway. She identified the lands that had been preserved through an agreement with the College and, to the north, those that had been preserved by Atlantic County in response to the previously identified Exit 44 Interchange expansion agreement.

In response to Chairman Lohbauer's question, Ms. Grogan identified the location of the PCF Clayton project in the Toms River Corridor.

Chairman Lohbauer noted that the Commission had really been quite effective in plugging some gaps in order to create areas of contiguous open space.

Ms. Grogan stated that within the next few months, the P&I Committee will discuss how to proceed with future permanent land protection efforts using the PCF funds.

In response to Commissioner Ashmun's question regarding the land protection efforts of non-profit organizations, Ms. Grogan stated that a number of them are quite active including The Nature Conservancy (TNC) and the NJ Conservation Foundation. Also, the Farmland Preservation Programs have been very active, particularly that of Burlington County.

Chairman Lohbauer concluded this portion of the meeting by stating that the Commission needed to thank the other entities for their participation in land preservation. Also, he thanked Ms. Grogan for sharing this happy news.

3. Update on the redesign of the Commission's website

Mr. Leakan made a presentation (*Attachment C*) on the current project to update the Commission's website which he characterized as its most powerful communication tool with some 6,000 views every month. He said staff use it to help applicants walk through the process and others use it to learn of activities and events related to the Pinelands. He said the last redesign had been done in 2005 and, at that time, the Commission was used as the "guinea pig" for the State's new website content system. He said there have been so many improvements to technology in these intervening nine years and this update is much needed. He noted that the Commission also maintains a Facebook account.

Mr. Leakan reviewed the public survey that had been conducted and the establishment of a website redesign committee to determine the needs and priorities of an updated website. Discussions have been ongoing with the New Jersey Office of Information Technology (OIT), which provided feedback, guidance and cost estimates. The funding for the project (\$11,687) will come from the Pinelands Conservation Fund as reflected in the revised policies approved by the Commission in August.

Mr. Leakan provided slides showing the new design that is patterned after the official State of New Jersey website and various new features designed to make it more user-friendly. The site will feature a newly-developed interactive map and new form-based email for the submission of public comments and violation reports.

Mr. Leakan gave credit to Chief Scientist Mr. John Bunnell for the photos on the website noting that there is much documentation of his field trips.

Commissioner Prickett said that Mr. Bunnell provides timely updates, e.g., when the Mountain Laurel is blooming.

In response to Commissioner Ashmun's question if the Commissioners can see what the public has submitted, Mr. Leakan said that typically public comment is not posted until the end of the

process, except during Plan Review when all comments were posted on the website as they were received. He noted that one needs to monitor the appropriateness of comments, e.g. what is posted on the Facebook page.

Mr. Leakan said that new features will provide for mobile versions of the website to accommodate cellphones and tablets. He said that 61% of the nation uses smart phones and the Commission needs the ability to provide more information to those users.

In response to Commissioner Jackson's question about the violation report, Mr. Leakan said currently it goes only to the Commission. Commissioner Jackson suggested that it also be sent to the subject municipality.

Mr. Leakan said new content, text and some 20 to 30 new forms were being created. Staff is developing a "click to enlarge" feature on photographs and the ability to download and print photos from the website.

In response to Commissioner Jackson's question why the Commission would not charge the public to use those images, just as they charge for a paper map, Mr. Leakan said the public has paid the staff to take those photos.

Mr. Leakan said one goal is to live stream Commission meetings and presentations. Funding has been requested for a new camera; other equipment might also be needed. The schedule for all this depends upon OIT's schedule and workload.

In response to Commissioner Ashmun's question if this could be done within the budget, Mr. Leakan said yes. Some \$12,500 had been set aside for the web design and the cost is slightly less at \$11,687, he said.

Mr. Leakan said the development of the website and also the visitors' center will lead to better decision making to protect the Pinelands.

Commissioner Prickett said the site needs to have good contact information and it should provide opportunities for education, e.g., Mr. Joel Mott might want to develop some lesson plans.

Chairman Lohbauer said the redesign was terrific and he offered his compliments. He said he thought the Commission has a good website currently but this will make it easier to use and more interesting with these new features. He said he endorsed the project.

Commissioner Jackson said that some of the Science Office programs would be helpful to teachers and should be available.

Mr. Leakan responded that the Commission has outdated equipment and no ability to video record meetings but, with the new website, depending upon the presenter and her/his willingness to be recorded, many presentations might be made available, including those from the annual Pinelands Short Course.

Commissioner Prickett said that (Regulatory Programs Specialist) Ms. Robyn Jeney had done a spectacular job on the roadside plant presentation at last year's Pinelands Short Course and such programs should be made available to the public on the new website.

4. Discussion of public hearing and comment procedures

Commissioner Ashmun stated that, during the Plan Review meetings, and long before, the Commission has received comment on its public participation process. She had asked staff to generate summaries of the various public comment procedures for discussion at today's meeting. She said she served on the Highlands Coalition and only its Council meetings are conducted publicly, whereas the Commission's Committee meetings are open to the public. She said the Commission had nearly a fetish regarding its interest in hearing from the public. She said although there are many requirements in the CMP, other procedural matters have changed over time due to the nature of the Commission Chairmen. She thanked the staff for preparing the procedures (as provided in the meeting packet). She said public comment is accepted at all meetings

Commissioner Jackson said he would like to address the issue of the conduct of the public. He said when an individual berates another, it detracts from whatever is being said, no matter to what degree he might agree. He said if members of the public fail to adhere to the rules of appropriate conduct, they should be asked to leave the meeting. Some individuals have become so passionate over their own issues that they have become disruptive.

Commissioner Ashmun said the 3-minute rule was imposed so that more people can be heard and by providing written comment, the public can convey to the Commission exactly what it wishes to say and provide a document to which a response could be provided.

Commissioner Prickett said one remedy is to end public comment when the audience becomes unruly. Commissioner Jackson said then others would suffer. He preferred that the offender be removed from the meeting.

Commissioner Prickett said these documents provide a road map for the future and allow everyone to know how the different processes work. He then referenced step #2 of the Public Hearing and Comment Process for MOAs regarding the Policy & Implementation Committee, in consultation with the Executive Director, determining if the Commission will advance the administrative process for the full Commission's consideration of an MOA. He recalled a recent situation in which the P&I Committee could have made a recommendation but the Executive Director could also move it forward in any case.

Ms. Roth said this process comes from the 2005 document prepared by the previous Executive Director at a time when the Public and Governmental Programs Committee (the functions of which have since been absorbed by the Policy and Implementation Committee) determined the allocation of resources to proceed. This remains especially relevant now considering current staffing levels.

Commissioner Ashmun confirmed that these documents indicate where the Commission stands on these various processes at the moment.

Chairman Lohbauer said he believed there is a certain flexibility of the 3-minute time limit according to what is practical for the situation. Sometimes it is practical to allow more time and it is the sincere desire of the Commission to allow public expression of opinion. There have to be some practical limitations to prevent discourtesy and filibusters. He said the Commission recognizes that there is a limit to what it can do to control poor behavior but it wants to hear public comment.

Commissioner Jackson said although in the past speakers had replaced one another by ceding allotted time to one another, that is not part of the protocol at this time.

In response to Commissioner Prickett's questions regarding the appeal process as it relates to resource extraction permit deviations, Ms. Roth said it is the applicant's choice to file an appeal with the Office of Administrative Law or request a public hearing before the Commission. She said she would clarify that in the document.

5. Public Comment

Ms. Fran Brooks, a Tabernacle Township resident, said she appreciated the discussion of the website redesign and looked forward to seeing the improvements. She said she would memorialize her comments in writing and appreciated the Commission's examination of the public comment process, noting it is a complex issue. She said she had reviewed the public comment documents prepared by staff and noted the following concerns: the OPRA Request form needs updating; "typically" needs to be clarified; the requirement that members of the public "must" register to speak is too heavy handed, particularly for those who might arrive late to a meeting. She said she appreciated Chairman Lohbauer's flexibility on time limits and although there needs to be control at the meetings, she preferred that meeting agendas err on the side of transparency and implementing the spirit of the Open Public Meetings Act. She asked why the Commission does not adhere to the same 30-day notice rule as the State and why notice is provided when a public development application is submitted, rather than when it is complete. She asked if Commissioners attend public hearings and upon being told that they do not attend them all, she said the Commissioners might not get the true benefit of comment as it would be filtered through the document prepared by staff. She asked why the public comment period might last only 2 to 7 days following the hearing rather than 15 days. She repeated her concern with the use of "typical" noting that when things aren't in the rules, "typical" can become very arbitrary.

Ms. Theresa Lettman, with the Pinelands Preservation Alliance (PPA), said she had read the Comprehensive Management Plan (CMP) and believed the staff document needed changes and that a 30-day public comment period should be included. She said the procedures change when the issues change. She said the process for Memoranda of Agreement (MOA) was the subject of her biggest complaint. She said that MOAs and public development waivers represent deviations from the CMP, yet sometimes offer the shortest comment period. She noted that in 2012, the notice regarding the R.J. Miller Airpark MOA was mailed on April 5, 2012, the day before Good

Friday. PPA did not receive it until April 9, 2012 and thus was not granted the full 10 days in which to submit comment. The public tries to catch up on issues in a very limited time frame and she believed that a 30-day notice and a 15-day comment period were needed. *(Ms. Lettman's written comments were provided at the meeting and are included here as Attachment D.)*

Ms. Blanche Krubner, with the PPA, said she supported the comments by the previous two speakers. She said she considered herself a stakeholder in the Pine Barrens and they should not be up for grabs for private exploitation. She said the public needed to know early in the development process when applications were submitted, not upon their completion and she supported the 30/15 day notice.

Ms. Margo Pellegrino said she appreciated the opportunity for the public to comment and witness the process. She said it took a certain level of effort to attend Commission meetings.

Ms. Marianne Clemente, a Barnegat Township resident, said the discussion of the website glossed over the need to make meeting notices more clear. Also, live streaming was important. She said some of the procedures outlined in the meeting packet documents seem dictatorial, such as prohibiting applause of a speaker. She said the CMP needed to be amended to provide for the 15/30 day comment periods, noting that the announcement for the public hearing for the South Jersey Gas MOA was posted over a holiday weekend.

At 11:00 a.m., Chairman Lohbauer left the meeting and passed the gavel to Commissioner Ashmun who conducted the remainder of the meeting.

Mr. Lee Rosenson commended staff for the two excellent presentations this morning and said the transparency of the Commission was commendable. He noted that over the years, the opportunity for public comment had been moved to different spots on the agenda and he asked that the opportunity for public comment be provided before the Commission took any votes at the regular monthly meeting.

Commissioner Ashmun noted that for items at the beginning of the agenda, the record is closed, hence no opportunity is provided for public comment. Mr. Rosenson concurred but added that the public should be allowed to point out anything particularly important before the Commission considered any matter.

Ms. Clemente spoke again about the procedure for MOAs and said that the entire P&I Committee should decide to move forward with an MOA, not just the Chairman.

6. Other Items of Interest

Ms. Roth provided an update on pending legislation related to the use of Pinelands Development Credit (PDC) deed-restricted lands in the Town of Hammonton. The owner of Tuckahoe Turf Farms uses these lands to host massive soccer tournaments involving dozens of fields and thousands of vehicles, participants and spectators. Ms. Roth distributed a document distributed by PPA mobilizing its members to oppose NJ Assembly Bill A3257 and Senate Bill 2125

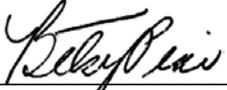
(Attachment E). She noted the bill changes the definition of “low-impact recreation use” in order to allow these intensive soccer events at sites such as this farm. She said that SADC- and Green Acres-preserved lands are no longer subject to these proposed bills. A vote on the Assembly bill is scheduled for Monday, September 28, 2014.

In response to Commissioner Prickett’s question regarding a 10-day comment period, Ms. Roth said if the comment period is less than seven days, it refers to seven business days but, if ≥ 10 days, then it includes all days, including weekends, and holidays.

Commissioner Prickett also noted that a resident had questioned him about a development project, and he encouraged this applicant to contact the Commission before proceeding. This person had since commented that the guidance provided by staff had been very helpful.

The meeting adjourned at 11:19 a.m. (moved by Commissioner Prickett and seconded by Commissioner Jackson)

Certified as true and correct:



Betsy Piner, Principal Planning Assistant

Date: October 20, 2014

Adopted at P&I Committee meeting of October 31, 2014 with spelling correction (~~least~~; last) on page 5, line 2

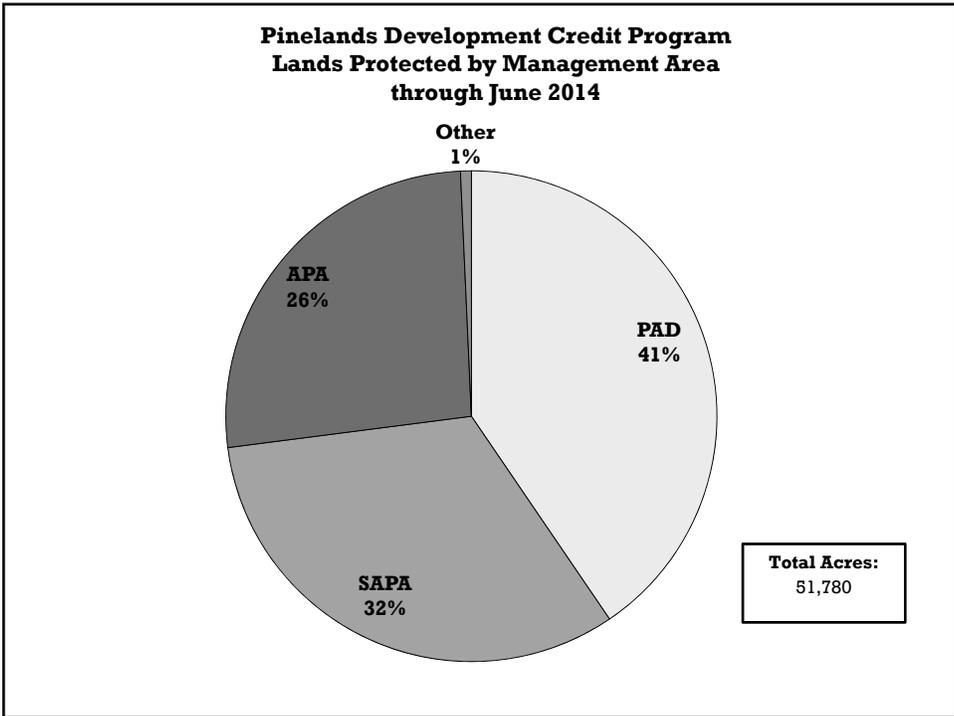
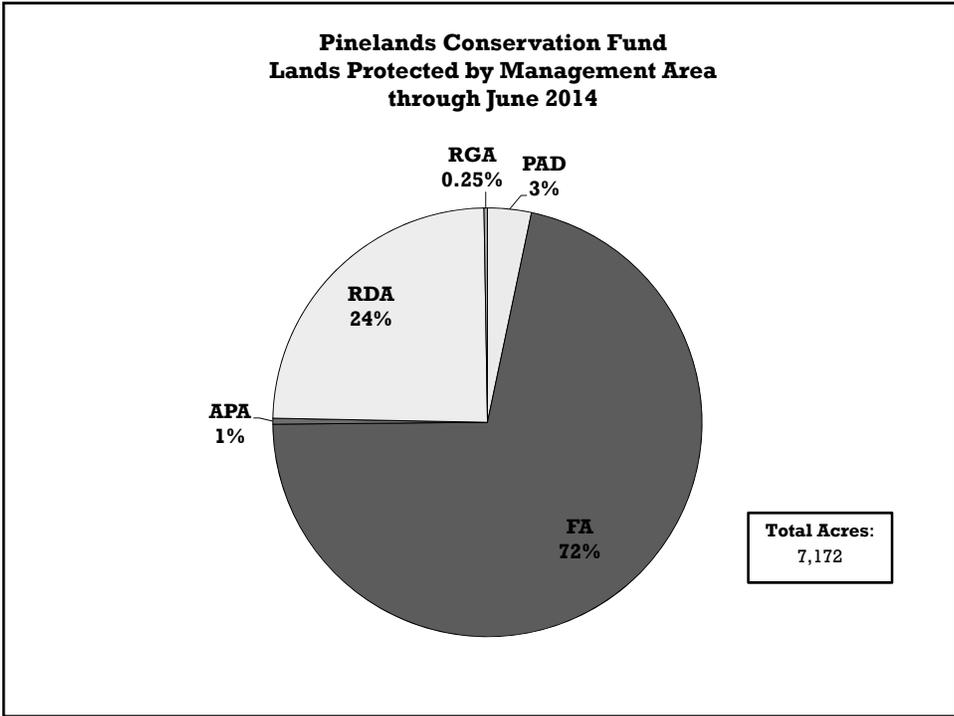


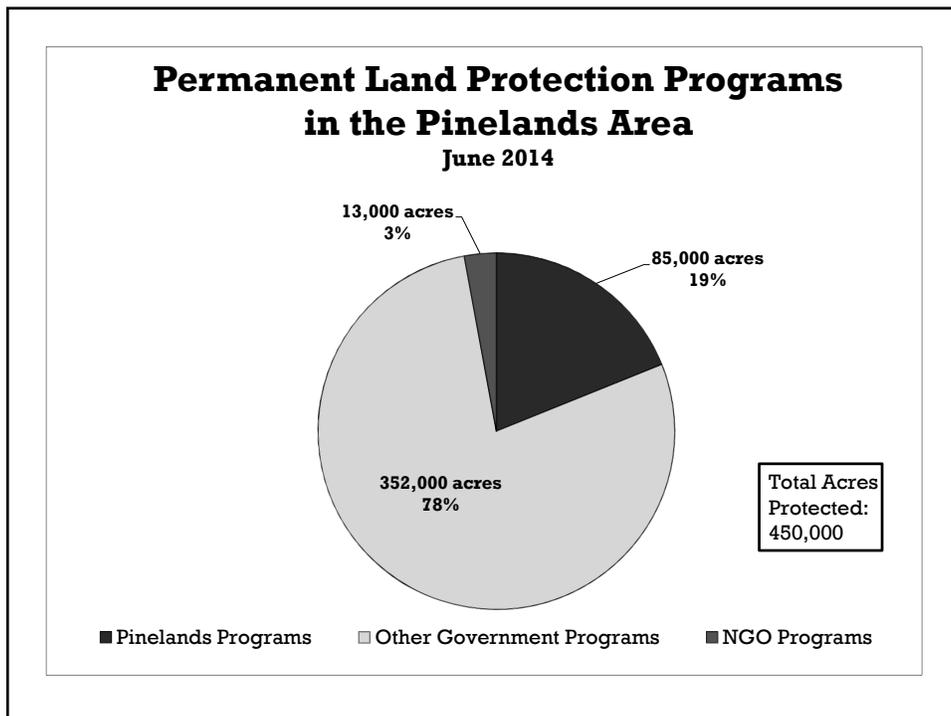
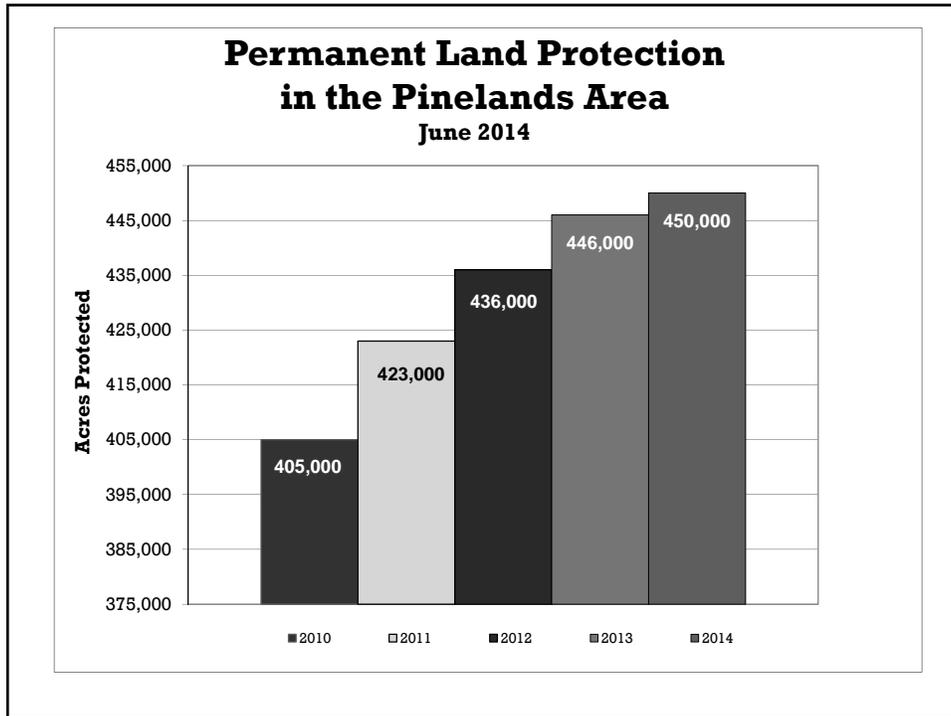
**Acres Protected Through Pinelands Commission Programs
August 2013 – June 2014**



- Pinelands Conservation Fund – 465 acres
- PDC Program – 96 acres
- Limited Practical Use Program – 36 acres
- Density Transfer – 3 acres
- GSP Exit 44 – 131 acres

Total: 731 acres





Protected Lands by Management Area
June 2014

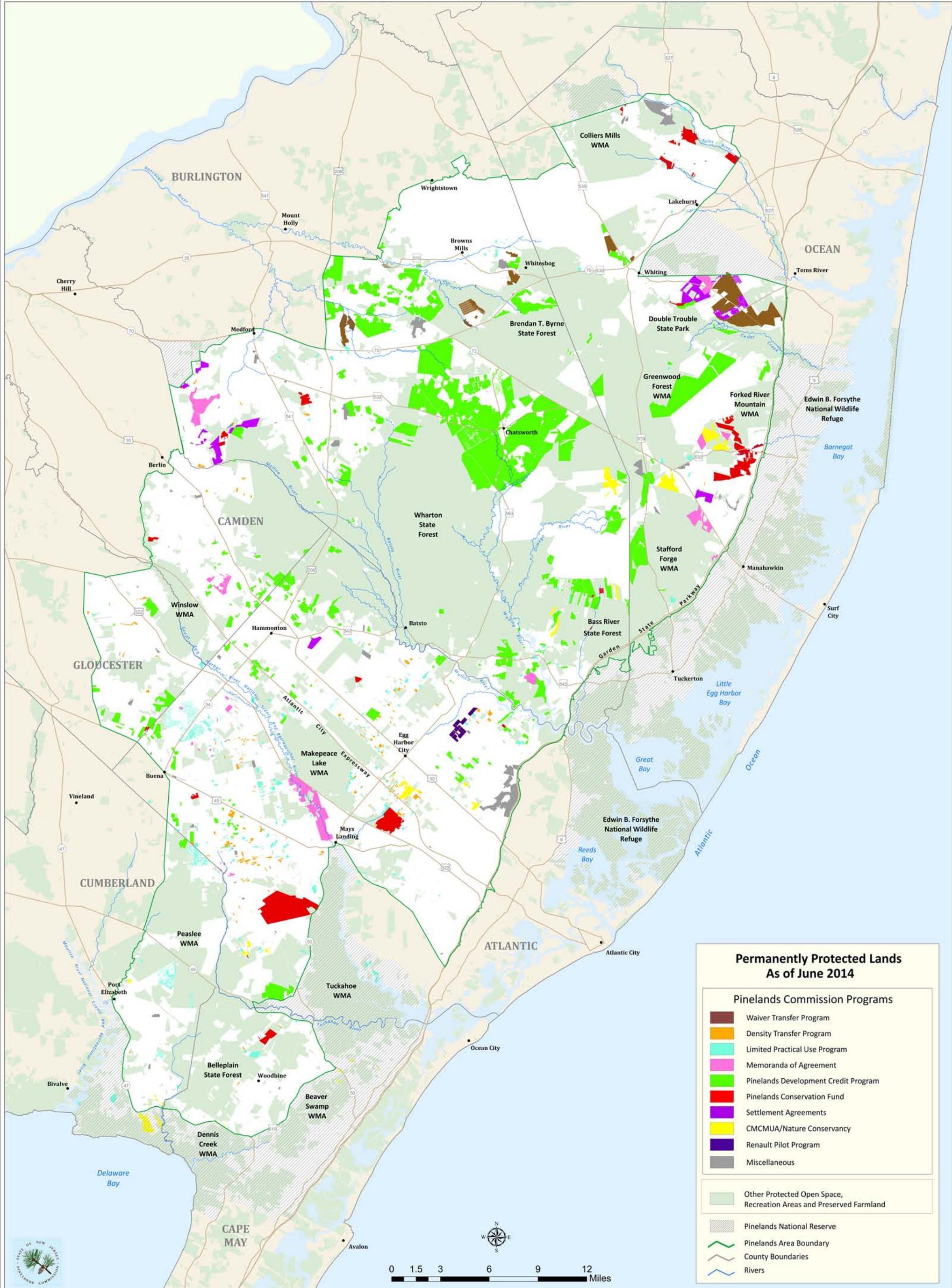
Management Area	% Protected
PAD	80
SAPA	59
FA	55
APA	37
RDA	18
RGA	8
Village	4
Town	5
PINELANDS AREA TOTAL	48%

**Permanent Land Protection
in the Pinelands Area**

June 2014

- 450,000 acres protected
- 48% of the Pinelands Area
- 94% of the protected land is located in the conservation-oriented management areas (PAD, SAPA, FA, APA)





**Permanently Protected Lands
As of June 2014**

Pinelands Commission Programs

- Waiver Transfer Program
- Density Transfer Program
- Limited Practical Use Program
- Memoranda of Agreement
- Pinelands Development Credit Program
- Pinelands Conservation Fund
- Settlement Agreements
- CCMUA/Nature Conservancy
- Renault Pilot Program
- Miscellaneous

Other Protected Open Space,
Recreation Areas and Preserved Farmland

Pinelands National Reserve

Pinelands Area Boundary

County Boundaries

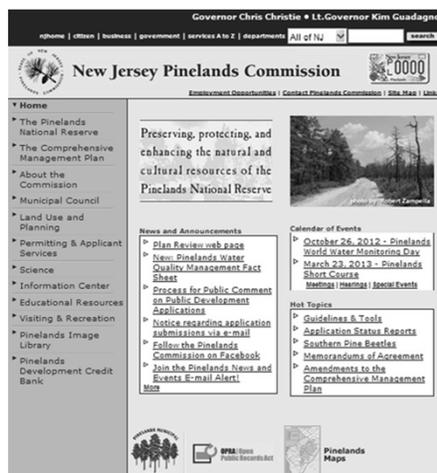
Rivers



New Website: Status and Features

September 26, 2014

A little background ...



- The Commission last redesigned its website in 2005.
- The state's website technology has vastly improved during the past nine years, providing for greater flexibility and newer features.

A time for change ...

- Earlier this year, we formed a Website Redesign Committee composed of representatives from every office. The Committee and other staff provided comments on our current site and suggestions for the new site.
- In May, we completed an online survey to garner feedback and suggestions from the public.

A time for change ...

- Through that survey, the public requested that we:
 - Reorganize the site to make it easier to find information;
 - Display meeting dates and agendas more prominently;
 - Make it easier to submit written comments or questions;
 - Offer an interactive map that enables the public to view zoning, wetlands and other information by block and lot; and
 - Provide a system to submit development applications online.

Status - Priorities

- We developed a list of priorities that are based on comments from the public and staff. The priorities have been shared with members of our Website Redesign Committee.
- The priorities also have been sent to the New Jersey Office of Information Technology (OIT), which provided feedback, guidance and a new estimate of costs.

Status - Funding

- OIT Estimate:
 - Graphic Design: 50 hours
 - HTML/JavaScript Development: 35 hours
 - TeamSite Template Development: 35 hours
 - Training: 3 hours

Total: 123 hours

Cost: \$11,687

Status - Funding

- In August, the Commission revised its policies for the use of the Pinelands Conservation Fund.
- The Fund now includes an Education and Outreach component that we will use to cover costs to complete the website redesign and interactive mapping projects.

Status - Design

Governor Chris Christie - Lt. Governor Kim Guadagno

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New Jersey Pinelands Commission
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New Jersey PSAMP
Pinelands State Action Management Plan

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Stephen Lake
Zestel Manor, NJ

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News & Notices:	Events Spotlight:
Pinelands Commission Saves Land	September 26, 2014 Froggy Friday
Celebrating 35 Years of Preservation	October 29, 2014: Wetlands Wednesday
Pinelands Scientists Win Grant to Study Intermittent Ponds	

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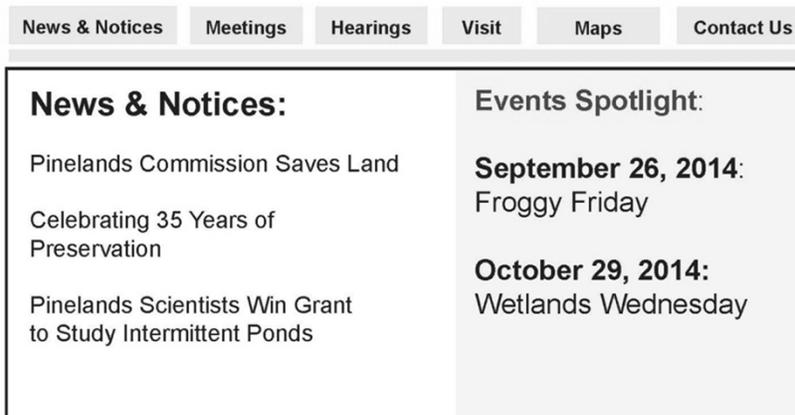
- In August, we drafted a new design that is patterned after the official website for the State of New Jersey (www.nj.gov/)
- The design was sent to our Website Committee and the OIT, which expressed support for the design concept.

Status – New Features



- The new site will feature a wider screen proportion and a scrolling banner of Pinelands images that we can switch out, as needed. Users will be able to scroll over and reveal topical subsections. This will be similar to: <http://www.state.nj.us/drbc/>

Status – New Features



- The new site will also feature another tabbed, navigational section that more prominently displays information about meetings, hearings, events and maps.

Status – New Features



- We will add icons with direct links for filing a development application or reporting a violation.
- Other icons provide direct access to OPRA forms, the Pinelands Municipal Council’s web page, the Commission’s Facebook page, and a library of presentations, images and videos.

Status – New Features

[News & Notices](#) [Meetings](#) [Hearings](#) [Visit](#) [Maps](#) [Contact Us](#)

News & Notices:

Pinelands Commission Saves Land

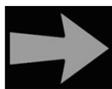
Celebrating 35 Years of Preservation

Pinelands Scientists Win Grant to Study Intermittent Ponds

Events Spotlight:

September 26, 2014:
Froggy Friday

October 29, 2014:
Wetlands Wednesday



Want the latest Pinelands news? Sign up for the Pinelands News Alert! E-mail address:

- The public will be able to easily sign up for the Commission’s Pinelands News Alert (e-mail mailing list), which will be connected to a Constant Contact account.

Status – New Features

- The site will feature a newly-developed interactive map that will include:
 - Aerial Images
 - Roads
 - Block/Lot Boundary
 - Pinelands Area Boundary
 - Pinelands National Reserve Boundary
 - Permanently Protected/Public Lands
 - Local Zoning
 - Pinelands Management Areas
 - Pinelands Wetlands
 - 300' Wetlands Buffer

Status – New Features

- The new map may be patterned after another mapping system that the OIT recently created for the state Office for Planning Advocacy:
 - Link: http://njgin.state.nj.us/OIT_BusinessMap2/

Status – New Features

- We will work with the OIT to create new form-based e-mail that will require the public/applicants to fill out all required fields and will direct that information to the appropriate department. Form-based e-mail will be created for:
 - Application and development information (connected to the HelpLink and AppInfo e-mail accounts);
 - General information (connected to the Info e-mail account);
 - Planning and Conformance (connected to the Planning e-mail account); and
 - Public comment (this would be a new e-mail account).

Status – New Features



- We will work with OIT to create a desktop and a mobile version of the website (for cellphones and tablets).
- The new Pinelands Image Library will include a “click to enlarge” feature.
- The site will include new content (text and forms) and possibly the ability to live-stream meetings and presentations.

Status – Timeline

- **October – December 2014:** Commission staff members will complete their review of the existing site, determine the structure of the new site and revise text, as needed. It will also provide the OIT with new images and documents (forms, Fact Sheets, etc.);
- Our goal is to launch the new website and post the new interactive map by the end of this Fiscal Year.
- The OIT's timeline/schedule for completing its tasks for the new website and the interactive map will be spelled out in a service agreement.





PINELANDS PRESERVATION ALLIANCE

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Discussion of public hearing and comment procedures.

Attached is a short version of the CMP Regulations with most of the regulations or sections that apply to public notice. At the end of page two, of the short version of the CMP, it says "*All notices required by (b) 2 shall be published, posted or mailed at least 10 days in advance of the hearing.*" So if the Commission mails the public hearing notice it starts the 10 day notice time.

When the CMP was first put into place I think staff always gave the public ample opportunity and 30 plus days when it was something other than part of the application process. Giving us 30 days is not written in the regulations. The CMP needs to be changed to always give the public 30 days notice before a hearing and 15 days written comment.

Examples of Public Notice times for MOA's:

In 2014, for the SJG Hearing the PC gave notice at 5 pm on September 27th and the hearing was held on October 9th - meaning we had 5 or 6 (if you don't count Friday after Thanksgiving a holiday) business days notice. Written comments could be submitted ONLY 4 days following the hearing.

In 2012, the Public Notice for Robert J. Miller Airpark was mailed to Interested Parties on April 5, 2012 (Thursday 5 pm before Good Friday) and PPA didn't receive until it Monday April 9th for a hearing on April 18th. Again 7 business days before the hearing. Written comments could be submitted ONLY 2 days following the hearing.

The Public hearing requirement on Municipal Master Plans and Ordinances state "a public hearing must be scheduled and held within 60 days of receipt of the master plan or ordinance" this should not be interpreted as a 60 day notice to the public. Although the Pinelands Commission currently keeps an ongoing list of the Ordinances they receive on the web site the 60 days is not a regulation that the public be notified. If there were no web postings it would be 10 days notice. If the PC was not supportive and did not place the Ordinances coming in for review on the web - we would only have the mailing of the 10 day notice.

Currently the Planning Staff is very good about notices and generally gives us 30 days. But it is not in the regulations.

The Public Comment Process for Public Development and Waiver applications are listed on the Pinelands Commission's web site so you do have some ample notice that an application has been receive and is going through the review process. But this process is not set in any regulations and should be letting everyone know clearly what are the procedures. The public should have 30 days to review the application from the time it's complete and not when the application process has started.

Yes the Pinelands Commission has a web site but if you don't check it every day (or don't have a computer) you may not get it at the start date of the 10 days. With ~~other~~ DEP it's 30 days notice - 15 days for written comments after a hearing.

Theresa Lettman

PART II-DUTIES AND POWERS OF THE COMMISSION

7:50-1.12 Meetings, hearings and procedures

(a) The Commission shall fix the time and place for holding its regular meetings. Special meetings may be held at the call of the Chairman. All meetings of the Commission shall be held in accordance with the provisions of the "Open Public Meetings Act", N.J.S.A. 10:4-6.

(b) All hearings of the Commission shall be set, noticed and conducted in accordance with the provisions of N.J.A.C. 7:50-4.3.

(c) The Commission shall adopt its own procedures for the conduct of its business, meetings and hearings not inconsistent with the Pinelands Protection Act and this Plan. Copies thereof shall be available to any person upon request.

(d) A true copy of the minutes of every meeting of the Commission shall be delivered to the Governor. No action taken by the Commission shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, following delivery of the minutes to the Governor.

PART II-CERTIFICATION OF COUNTY PLANS

7:50-3.13 Setting of hearing

After receipt of a county master plan and regulations, the Executive Director shall give notice of and set the date, time and place for a public hearing for consideration of the application, plan and regulations. The public hearing shall be held by the Executive Director within 30 days following the receipt of the plan and regulations in accordance with the provisions of N.J.A.C. 7:50-4.3.

PART IV-CERTIFICATION OF MUNICIPAL PLANS

7:50-3.41 Setting of hearing and procedures therefore

Within 15 days following the submission of a plan and land use ordinances, the clerk of the county shall set and give notice of, the date, time and place for a hearing thereon. *Such hearing shall be held within 30 days following the submission of a plan and land use ordinances.*

PART VI-MODIFICATION OR REVOCATION OF CERTIFICATION OF COUNTY AND MUNICIPAL PLANS AND ORDINANCES

7:50-3.62 Notice and Hearing

Upon making a determination to initiate proceedings to revoke, suspend or modify Commission certification of a county or municipal master plan, regulation or land use ordinance, the Executive Director shall give notice and conduct a public hearing in accordance with the provisions of N.J.A.C. 7:50-4.

PART VII-ADOPTION OF RULES AND REGULATIONS FOR UNCERTIFIED AREAS
7:50-3.73 Public hearing

The Commission shall conduct a public hearing in accordance with the provisions of N.J.A.C. 7:50-4 to consider the proposed rules and regulations for uncertified areas.

PART 1-UNIFORM PROCEDURES
7:50-4.3 Commission hearing procedures

(a) Applicability: The procedures set out in this section shall be applicable, **except to the extent that they are specifically modified by other provisions of this Plan with respect to particular subject matters,** to all public hearings held pursuant to this Plan.

(b) Notice of public hearing.

1. Content: All notices of public hearings shall include:

- i. The time and place of hearing;
- ii. The authority pursuant to which the hearing is held;
- iii. The name and address of the applicant;
- iv. A brief description of the subject matter to be considered at the hearing;
- v. A statement that the application and supporting materials are available for public inspection and copying at the principal offices of the Commission; and
- vi. A statement that any person may at such public hearing speak or submit a written statement.

2. Persons entitled to notice:

i. Notice of public hearings shall be given by the Commission:

- (1) By sending a copy of the notice to the applicant by certified mail;
- (2) By sending a copy of the notice, by mail to any person, organization or agency which has previously filed with the Commission a written request, together with an annual fee in an amount to be determined from time to time by the Commission to cover the actual cost of such notice.
- (3) If the public hearing involves certification of a municipal master plan or land use ordinances, by sending a copy of the notice, by mail, to the municipal clerk and the planning board secretary of each Pinelands municipality bordering the municipality seeking certification and to the county clerk and the county planning board secretary of the county in which the municipality is located and of the adjacent county if the municipality borders another county.
- (4) If the public hearing involves certification of a county master plan or regulation, by sending a copy of the notice, by mail, to the municipal clerk and the planning board secretary of each Pinelands municipality in the county seeking certification and to the county clerk and county planning board secretary of each Pinelands county bordering the county seeking certification.
- (5) If the public hearing involves certification of a county or municipal master plan or municipal land use ordinance or county development ordinance, by publication of a copy of the notice, at least once, in an official newspaper of the Pinelands Commission having general circulation in the area.

(6) If the public hearing involves an amendment proposed by the Commission pursuant to N.J.A.C. 7:50-7, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and to the freeholder director and county executive of each Pinelands county. In addition, a copy of the notice shall be published in all the official newspapers of the Pinelands Commission.

(7) If the public hearing involves an intergovernmental memorandum of agreement pursuant to N.J.A.C. 7:50-4.52, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and to the freeholder director and county executive of each Pinelands county that may be directly affected by the memorandum of agreement under consideration. In addition, a copy of the notice shall be published in those official newspapers of the Pinelands Commission having general circulation in the area that may be directly affected by the memorandum of agreement.

(8) If the public hearing involves a resource extraction issue arising pursuant to N.J.A.C. 7:50-6.64(a), by sending a copy of the notice, by mail, to the local permitting agency and the resource extraction operator.

(9) If the public hearing involves a comprehensive plan submitted to the Commission pursuant to N.J.A.C. 7:50-5.4(c)6, by sending a copy of the notice and the comprehensive plan, by mail, to the mayor of each Pinelands municipality and the freeholder director and county executive, if any, of each Pinelands county. In addition, a copy of the notice shall be published in all the official newspapers of the Pinelands Commission.

ii. Notice of public hearings shall be given by the applicant:

(1) If the public hearing relates to an application for development approval or an application for designation pursuant to N.J.A.C. 7:50-6.154, by sending a copy of the notice by certified mail to each owner of record, if different from the applicant, of any land on which development or designation is proposed;

(2) If the public hearing relates to an application for development approval or an application for a Waiver of Strict Compliance submitted pursuant to N.J.A.C. 7:50-4.64(a)1, by sending a copy of the notice, by mail, to:

(A) The secretary of the county and municipal planning board and environmental commission, if any, with jurisdiction over the parcel on which development has been proposed;

(B) Any landowners within 200 feet of any border of the parcel proposed for development, except as otherwise provided in N.J.A.C. 7:50-4.66(c).

(2) By publication of a copy of the notice, at least once, in a newspaper having general circulation in the area;

(4) By conspicuous posting on any parcel proposed for development or proposed for designation pursuant to N.J.A.C. 7:50-6.154.

3. Time of notice: All notices required by (b)2 shall be published, posted or mailed at least **10 days in advance of the hearing.**

4. Notice to be given by applicant: The applicant shall file with the Executive Director, no less than seven days prior to the hearing for which notice was given, an affidavit that the requirements of (b)2ii have been satisfied.

(c) Duty of Commission staff:

1. Presentation of information: At the hearing the Commission staff shall present information concerning pertinent application considerations and the standards set out in this Plan. The Commission staff shall have the right to participate fully in the hearing process and shall act as an advocate for a full and complete record upon which an informed decision can be made.
2. Statement of pertinent considerations: The Commission staff shall state at the outset of the hearing which considerations and required findings it considers pertinent to the application and shall briefly outline the information it intends to present.
3. Production of additional information: Upon a sufficient showing by any person made at any time during the hearing, or on his own motion, the Executive Director may order the Commission staff to produce any additional information with respect to any of the required findings.

(d) Conduct of the hearing:

1. Submission of information: Any person may appear at a public hearing and submit information or written materials, either individually or as a representative of an organization. Each person who appears at a public hearing or who submits written materials shall identify himself and his address and state the name and mailing address of any organization he represents. The Executive Director may exclude information that he finds to be irrelevant, immaterial or unduly repetitious.
2. Continuance by Executive Director: The Executive Director may continue the hearing to a fixed date, time and place. Unless such continuance is publicly announced at a properly noticed and convened hearing, the Executive Director shall cause notice to be given to all persons originally entitled to notice of the date, time and place of such continued hearing in the same manner as specified in (b) above.
3. Record of hearing:
 - i. The Executive Director shall assure that the proceedings are recorded by any appropriate means and such record of proceedings shall be transcribed at the request of any person upon application to the Executive Director and payment of a fee to cover the cost of transcription, or on order of the Executive Director. If a sound recording is made, any person shall be entitled to listen to the recording at any reasonable time or to make copies at his own expense.
 - ii. The record of proceedings shall consist of the transcript of testimony, if ordered; all applications, exhibits and papers submitted in any proceeding with respect to the matter being considered; and the summary and report or reports of the Executive Director.
 - iii. All summaries and reports of the Executive Director shall be public records, open to inspection at a reasonable time and upon reasonable notice.

(e) Content and service of decision of Executive Director or Commission:

1. All decisions and orders of the Executive Director or the Commission, and all recommendations of the Executive Director to the Commission, shall be in writing and shall include findings of fact, shall refer to the information in the record upon which such decision or order is based, shall specify the reason or reasons for such decision, and shall contain a conclusion or statement separate from the findings of fact which shall set forth any recommendation or final approval, conditional approval, or denial of the application being considered.
2. Except as provided in N.J.A.C. 7:50-4 for letters of interpretation, notice of all decisions and orders of the Executive Director or the Commission shall be mailed to:
 - i. The applicant;
 - ii. Any person, organization or agency which has previously filed with the Commission a written request, together with an annual fee in an amount to be determined from time to time by the Commission to cover the actual cost of said notice;
 - iii. The secretary of the county and municipal planning board and environmental commission, if any, with jurisdiction over the property which was the subject of the decision or order;
 - iv. Any other person who has demonstrated an interest in the proceeding.
3. All decisions and orders of the Executive Director or the Commission shall be considered rendered three days after notice of such decisions and orders has been deposited in the United States Mail addressed to those persons identified in (e)2 above.

PART IV-PUBLIC DEVELOPMENT

7:50-4.52 General requirements

(c) Intergovernmental agreements:

3. Prior to the execution of any intergovernmental memorandum of agreement by the Commission, the Executive Director shall set the date, time and place of a public hearing for consideration of the agreement. The public hearing shall be noticed and held by the Executive Director in accordance with the provisions of **N.J.A.C. 7:50-4.3**.

7:50-4.83 Notice from State agencies with respect to applications for development

(b) Notice of application: Notice of submission of any application for development shall be given by mail within seven days following such filing and shall contain the following information:

(c) Notice of hearings and meetings: Notice of any hearing, public meeting or other formal proceeding at which the filing or disposition of any application for development in the Pinelands Area is to be considered shall be given by mail no less than five days prior to such meeting or hearing and shall contain the following information:

1. The name and address of the applicant;
2. The Pinelands Commission application number;
3. The date, time and location of the meeting or hearing;
4. The name of the state agency which will conduct the meeting or hearing;

5. Any written reports or comments received by the state agency on the application which have not previously been submitted to the Commission; and
6. The purpose for which the meeting or hearing is to be held.

(d) Notice of grant of final determination: Notice of any final determination by any department, board, bureau, official or other agency of the State with respect to any application for development in the Pinelands Area shall be given by mail within five days of the grant or denial of such approval and shall contain the following information:

1. The name and address of the applicant;
2. The legal description and street address, if any, of the property which the applicant proposes to develop;
3. The Pinelands Commission application number;
4. A copy of the permit, approval or authorization which was issued; and
5. A copy of any approved plans.

7:50-6.80 Memoranda of agreement may permit deviations

(e) Prior to the execution of any intergovernmental memorandum of agreement pursuant to this section, a public hearing shall be held by the Executive Director in accordance with the provisions of **N.J.A.C. 7:50-4.52(c)3**.

7:50-4.53 Pre-application conference and submission requirements

(c) In addition to the requirements of (a) and (b) above, a public agency seeking approval for major development, as defined in N.J.A.C. 7:50-2.11, which will be located on a specific parcel, shall provide notice of the application for public development as follows:

1. Notice shall be given to owners of all real property within 200 feet of the subject property as provided for in N.J.S.A. 40:55D-12(b). The administrative officer of the municipality shall provide a certified list of said property owners as provided for in N.J.S.A. 40:55D-12(c). The applicant shall be entitled to rely upon the information contained in said certified list as provided in N.J.S.A. 40:55D-12(c); and
2. Notice shall be given by publication in the official newspaper of the municipality in which the parcel is located, if there is one, or in a newspaper of general circulation in the municipality as provided for in N.J.S.A. 40:55D-12(a); or

(d) In addition to the requirements of (a) and (b) above, a public agency seeking approval for major development, as defined in N.J.A.C. 7:50-2.11, which either is for chemical control of vegetation in a water body where no permanent alteration of the water table is proposed or will not be located on a specific parcel, including a proposed development located within a right-of-way or easement, shall provide notice of the application for public development as follows:

1. Notice shall be given by publication in any official newspapers of the Pinelands Commission having general circulation in any municipality in which the proposed development is located; and
2. Notice shall be given by publication in the official newspaper, if any, of each municipality in which the proposed development will be located or if there is no official newspaper in any such municipality then in a newspaper of general circulation in that municipality.

(e) The notice in (c) and (d) above shall state:

1. The nature of the application pending before the Pinelands Commission, including a description of the proposed development;
2. That action may be taken on the application after 10 days from the date the notice is published and mailed;
3. That written comments on the application may be submitted to the Pinelands Commission and that all such comments received within 10 days of the mailing or publication of the notice will be considered in the review of the application;
4. That the application is available for inspection at the office of the Pinelands Commission;
5. The address and phone number of the Pinelands Commission; and
6. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested person who is aggrieved by said determination is entitled to a hearing by appealing the determination.

(f) If the applicant significantly modifies the proposed development from that described in the most recent notice given pursuant to (c), (d) and (e) above, then the applicant shall again provide the notice mandated by said subsections so that the notice accurately describes the proposed development.

(g) No application for which the above notice is required, shall be deemed complete until proof that the requisite notice has been given is received.

(h) The Executive Director's action on any application for which the above notice is required shall not be **taken until five days after the 10 day period set forth herein has expired**. If any public comments have been received concerning the application, the Executive Director shall inform the applicant that public comments have been submitted prior to making a recommendation on the application for public development

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September 24, 2014
Pinelands Preservation Alliance

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Call the Assembly to Oppose Turf Farm Bill

Dear

S2125/A3257

Modifies the definition of low-impact recreation use in the Pinelands CMP

This bill sponsored by Senator Van Drew and Assemblyman Andrzejczak changes the Pinelands Comprehensive Management Plan (CMP) by expanding the definition of low-impact recreational use in the Pinelands agriculture production areas.

A3257 is scheduled for a vote Monday, September 29th by the full Assembly. S2125 still needs to be voted on by the *Senate Economic Growth Committee* and the full Senate.

You can read the bill [here](#).

Please call your local **Assemblyperson** this week and ask them to oppose the bill for the following reasons:

1. **The language is too vague.** It could include the riding of all-terrain vehicles that can harm the agricultural lands and increase this type of illegal activity on lands in the Preservation and Forest Areas of the Pinelands.
2. **A3257 eliminates public input to CMP changes.** The Pinelands Commission is required to use a public rule-making process when making changes. The legislature is entirely circumventing this provision if it passes this bill. Tell them that you don't want to be removed from the process.
3. **The bill is unnecessary,** since the Commission is already trying to address the turf farm's concern about allowing a sports event on its field. The Legislature must respect the duties of its agencies and allow its public workers to do the work they were intended to do by following its rules.

Thank you,

Carleton Montgomery
Executive Director

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