

Disclaimer

These minutes reflect the actions taken by the Commission during its June 12, 2020 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 June 24, 2020.

PINELANDS COMMISSION MEETING

MINUTES
June 12, 2020

The June 12, 2020 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube.

Commissioners Participating in the Meeting

Alan W. Avery Jr., Jordan P. Howell, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn and Chairman Richard Prickett. Also present were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Craig Ambrose.

Commissioners Absent

Daniel Christy, Sean Earlen and D'Arcy Rohan Green.

Chairman Prickett called the meeting to order at 9:37 a.m.

DAG Miles read the Open Public Meetings Act Statement (OPMA).

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum.

The Commission pledged allegiance to the Flag.

Remembering Commissioner Candace McKee Ashmun

Chairman Prickett said he would like to take some time to allow Commissioners and staff to reflect and reminisce about Commissioner Ashmun and the effect she has had on them and the Pinelands. He noted that her knowledge of the Comprehensive Management Plan (CMP) will be missed.

Commissioner Avery said there is no replacement for Candy; she was a dedicated protector of the Pinelands for over 40 years.

Commissioner Lloyd said it's hard to find words to adequately describe Candy. He said she will be emulated but never replaced.

Commissioner Lohbauer said he considered Candy a mentor and thanked her for her efforts in preserving the Pinelands.

Executive Director Nancy Wittenberg said Candy was clear, direct and honest. She said Candy's guidance will be missed. She said at a later date an event will be scheduled to further honor Candy's years as a Commissioner.

Director Susan Grogan said Candy was a great source of support both professionally and personally. She said it's important to note that while Candy's work preserving land in the Pinelands was taken very seriously, she had lot of fun doing it. Director Grogan said that Candy shared that with her the last time they saw each other.

Director Chuck Horner said he has a great appreciation and respect for Candy's work through the years.

Paul Leakan, Communications Officer said Candy was a true professional and he was happy that Candy was pleased with the outcome of the exhibit, which was named after her.

Former Commissioner Joe DiBello said Candy was inspiring and its up to the Commission and people who appreciated her work to carry it on.

Stacey Roth said Candy was always engaged and she will miss that.

Janet Pierce, a long time staff member, told the story of meeting Candy a week after she was hired, what the early days of the Commission looked like (mile high packets that were sometimes hand delivered) and the staff vs. Commissioner softball games. She said Candy was a friend and mentor and hope the remaining Commissioners will continue her legacy of protecting the Pinelands.

Minutes

Chairman Prickett presented the minutes from the Commission's May 8, 2020 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Jannarone seconded the motion.

The minutes from the May 8, 2020 Commission meeting were adopted by a vote of 8 to 0. Commissioner Quinn abstained from the vote.

Policy and Implementation Committee Meeting

Chairman Prickett provided an update on the May 29, 2020 Policy and Implementation Committee:

The Committee noted the passing of Commissioner Candace McKee Ashmun on May 23, 2020 and her profound loss not only to the Pinelands Commission but to the entire state of New Jersey and beyond.

The Committee adopted the minutes from the April 24, 2020 meeting.

The Committee recommended that the Commission propose amendments to the CMP for the alternate design septic system pilot program.

The Committee received presentations from staff regarding the Commission's current stormwater rules and from NJDEP regarding its revised stormwater rules focusing on green infrastructure. The Commission will need to determine how best to incorporate the revised NJDEP rules into the CMP.

The Committee continued its discussion on the "gap" rules for those development applications receiving exemption from municipal review. Staff will continue to research a means by which the absence of a local planning board hearing can be replaced with a method to allow comparable public involvement during the Commission's review of such projects.

Executive Director's Report

ED Wittenberg provided an update on the following items:

- Staff continues to work remotely, while it has its challenges, work is progressing smoothly.
- Certain staff members are participating in the summer flex program, which allows employees to have one day off over a two-week period as long seven extra hours are worked during that period.
- Staff has been participating in numerous webinars. She said that once staff is back in the office she would like to set up a space to allow staff to continue to participate in webinars.
- The Business Services office is working with the new accounting firm to prepare for the upcoming audit.

Susan R. Grogan, Director of Planning provided an update on the following matters:

- The grant application was submitted to the New Jersey Historic Trust for the painting of Fenwick Manor. She said Tony McNichol, the Commission's Cultural Resource Planner, led the effort and it was a large undertaking with very specific requirements.

- Staff held its first virtual public hearing for a Barnegat Township ordinance. The hearing was streamed on the Commission's YouTube channel. No one called in to provide comment.
- Pinelands municipalities are becoming more and more active, working on redevelopment plans, master plans and ordinances.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matters:

- Staff is reviewing a draft Atlantic White Cedar Restoration plan for Atlantic White Cedar in the Pinelands Area prepared by the New Jersey Department of Environmental Protection (NJDEP). He said a component of the plan is a pilot project that the NJDEP is interested in conducting on about 500 acres in Wharton State Forest. He noted that on June 4th, staff held a pre-application conference with the NJDEP about the project.
- At the May Commission meeting Commissioner Lloyd asked about the average application fee for a solar facility, after it was noted that staff had held a couple of pre-application meetings regarding solar facilities. A fee of about \$15,500 is collected for a 28-acre solar facility. He said an application fee is calculated based on \$1,500 plus \$500 per acre for the solar facility and associated development.
- At a previous meeting, Commissioner Avery raised a question about a water line in Manchester Township. In 2013, the Commission approved a public development application submitted by Manchester Township. The application proposed to install two-miles of potable water main in the Forest Area near the Heritage Minerals site.

Stacey Roth, Chief of Legal and Legislative Affairs, reminded Commissioners that they must complete their Financial Disclosure Statements before the July 31, 2020 deadline.

Paul Leakan, Communications Officer, said his office created two new educational videos, one on timber rattle snakes and the other on blueberries. His office also filmed and shared 13 additional videos that are available on the Commission's YouTube channel. He said the number of YouTube subscribers has grown from 30 in February to its current total of 253. He said the first two Pinelands-related webinars have been held. The webinars will continue to take place every Thursday at 10 a.m. through August. He said the webinars are recorded and archived on the Commission's YouTube channel and can be viewed at any time.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution for the planting of native grasses for wildlife management in Pemberton Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1989-0023.015) (See Resolution # PC4-20-16). Commissioner Jannarone seconded the motion.

Director Horner said the application is for the seeding of nine acres with native grasses and forbs on leased lands in Brendan Byrne State Forest. A map was displayed (see attached). Mr. Ernest Deman of the Regulator Programs office, said the plantings are proposed on the lands labeled 1B-1K. He said the plantings will occur on currently barren land and are located adjacent to active cranberry bogs.

Commissioner Avery asked if staff knew why they were revegetating, if it was for a specific activity, such as hunting.

Director Horner said he did know the specifics, other than to introduce the Northern Bobwhite quail in Burlington County. He noted this was not the first time the Commission has had an application to encourage quail habitat.

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

Chairman Prickett presented a resolution recommending approval for the installation of synthetic turf fields at the Hammonton High School.

Commissioner Pikolycky made a motion Approving With Conditions an Application for Public Development (Application Number 2000-0088.006) (See Resolution # PC4-20-17). Commissioner Lohbauer seconded the motion.

Director Horner said this application is for the replacement of two grass athletic fields with two synthetic fields.

Commissioner Lohbauer asked if the field would be permeable.

Director Horner said yes the synthetic fields will be permeable. He noted that the intent with a synthetic field is that it can be played on the majority of time. He said significant drainage is installed under the surface to move stormwater away from the fields.

Chairman Prickett asked if Director Horner could provide some detail about the stormwater management associated with the proposed fields.

Director Horner said under the field, rainwater will infiltrate into 24 inches of $\frac{3}{4}$ inch stone. The water will then be collected by perforated pipe and moved to the perimeter of the field and then further moved to an underground stormwater management trench, into pipe and beyond to drain into a stone bed.

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

Chairman Prickett presented a resolution recommending approval of municipal recreation improvements in Dennis Township.

Commissioner Pikolycky made a motion Approving With Conditions an Application for Public Development (Application Number 2007-0304.001) (See Resolution # PC4-20-18). Commissioner Avery seconded the motion.

Director Horner said this application is for a number of recreational facility improvements, which include resolving certain development that occurred on the parcel without application to the Commission.

Commissioner Lohbauer said he was glad that Dennis Township is resolving the matter.

Chairman Prickett said he had concerns about how this could happen and questioned why the code enforcement officer or engineers didn't adhere to or ask about Pinelands compliance.

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

Public Comment on Public Development Applications and Items where the record is open
Chairman Prickett read the list of Public Development applications up for comment. There were no public comments, however someone attempted to call in.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action. No questions were raised.

- Monroe Township Ordinances O:05-2020 and O:07-2020
- Shamong Township Ordinance 2020-3

Other Resolutions

Chairman Prickett asked for a motion for a resolution proposing amendments to the Alternate Design Septic System pilot program.

Commissioner Lohbauer made a motion To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Water Quality; Alternate Design Wastewater Treatment Systems Pilot Program) (See Resolution # PC4-20- 19). Commissioner Avery seconded the motion.

ED Wittenberg said the proposal will allow for some minor adjustments to the alternate design septic pilot program. She noted that Ed Wengrowski has made a number of presentations regarding the changes in the past.

Chairman Prickett said the program is successful and beneficial to the Pinelands.

Director Grogan said this is the first step in the lengthy rulemaking process. She said the P&I Committee reviewed and endorsed the proposal. The Governor's policy office has also signed off on the proposal. She said the next step is to file with the Office of Administrative Law and publish the rules in the New Jersey Register. The 60-day public comment period will begin and a public hearing will be scheduled for September 2, 2020. She said the amendments will allow the program to continue through 2025, graduate a septic system that has been proven successful on a one acre lots, simplify some of the reporting requirements and allow new alternate design systems into the program.

Commissioner Lohbauer said adding more systems into the pilot program will be more cost effective for homeowners and ultimately provide cleaner groundwater.

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

Chairman Prickett presented a resolution to allow the Executive Director to continue to make purchases until the FY 2021 Budget is adopted.

Commissioner Avery made a motion To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2021 at the Same Level of Expenditures as Fiscal Year 2020 until the Adoption of the Fiscal Year 2021 Budget (See Resolution # PC4-20- 20). Commissioner Lloyd seconded the motion.

ED Wittenberg said this resolution is adopted annually, this year language has been added because the state budget won't be adopted until September. She said language was also adjusted to include fiscally responsible spending.

Commissioner Avery said he previously raised concerns about the rationale for fee projections. He said staff is currently looking into the matter. He said the majority of development applications are residential but the majority of fee revenue comes from commercial development.

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

General Public Comment

Tara Polk, a resident of Lower Bank (Washington Township, Burlington County) said bulkheads on her property began deteriorating and large potholes formed on the road in front of her house. She said she had met with the Burlington County Engineer to explain the situation. After not hearing back, she wrote to County Freeholders. She said County road crew employees showed up this week and started filling the holes with recycled concrete and road signs. She said she had concerns about the materials being contaminated.

Chairman Prickett suggested that Ms. Polk contact the Executive Director so staff could look into the matter.

Director Horner said he was not familiar with the project. He said typically road maintenance does not require an application but road improvements do require an

application. He said it's unclear at this time if the road work would be covered by an existing Memorandum of Agreement with the County.

Mark Diffenbaugh, a resident of Lower Bank (Washington Township, Burlington County) said he had similar concerns as his neighbor Tara Polk, who provided comment about materials being used to fill potholes.

DAG Miles said in the event a commenter could not get through during the first public comment session and wanted to provide comment on the following applications: #1986-1408.012 (Woodbine Municipal Utilities Authority), # 2003-0530.012 (Solar project in Egg Harbor City) and #2020-0085.001 (Egg Harbor Township Municipal Utilities Authority) comments could be emailed to info@pinelands.nj.gov. She said comments would be accepted through midnight June 12, 2020.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 11:10 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: June 24, 2020