

Disclaimer

These minutes reflect the actions taken by the Commission during its June 14, 2019 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 27, 2019.

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

MINUTES

June 14, 2019

Commissioners Present

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

Commissioners by Phone

Candace M. Ashmun

Commissioners Absent

Sean Earlen, Jane Jannarone, Gary Quinn and D'Arcy Rohan Green.

Chairman Prickett called the meeting to order at 9:34 a.m.

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

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

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

Minutes

Chairman Prickett presented the open session minutes from the May 10, 2019 Commission meeting and part 2 of the closed session minutes. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Avery seconded the motion.

The May 10, 2019 Commission meeting minutes including part 2 of the closed session minutes were adopted by a vote of 9 to 0.

Chairman Prickett presented part 1 of the closed session minutes from the May 10, 2019 Commission meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The May 10, 2019 closed session part 1 Commission meeting minutes were adopted by a vote of 8 to 0. Commissioner Lloyd abstained from the vote.

Committee Chairs' Reports

Chairman Prickett provided an update on the May 31, 2019 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the March 29, 2019 meeting.

The Committee approved the Rancocas Conservancy's request for payment in advance of closing on a 200-acre site in Pemberton Township. Closing is anticipated by June 21st.

This is the last of four Pinelands Conservation Fund projects from the 2017 acquisition round.

The Committee recommended Commission certification of Dennis Township Ordinance 2019-01, revising the boundaries of Belleplain and Dennisville Villages.

The Committee advanced Pemberton Township Ordinances 12-2019 and 13-2019 to the full Commission without a recommendation due to lack of a quorum.

The Committee endorsed the Science Office's grant application to the Environmental Protection Agency for a study of the eastern kingsnake.

The Committee received a presentation on proposed Comprehensive Management Plan (CMP) amendments for coordinated permitting and public development applications.

Staff presented a 10-year review of the CMP Forest and Rural Development Area clustering regulations and will provide potential CMP amendments to address specific issues at a future meeting.

Executive Director's Reports

ED Wittenberg provided an update on the following items:

- An emergency authorization was issued to the Town of Hammonton after consultation with the Chairman. An adjacent property owner alerted the town that treated wastewater was discharging onto their property. The town plans to relocate the groundwater discharge pipe to the Boyer Avenue facility to alleviate the problem. The Town of Hammonton will apply to the Commission for the development after the fact.
- The ED spoke to the Chamber of Commerce Southern New Jersey's Environmental Committee.
- The Pinelands Municipal Council held a meeting on May 21st and had a quorum. The Council had a lengthy discussion about municipal tax assessments at the County level.
- The tour of the Buena Borough Wastewater Treatment facility was very interesting. Commissioner Irick and Chairman Prickett attended the tour.
- Union negotiations continue. The next negotiation meeting is scheduled for June 25th.

Chairman Prickett said at the May Commission meeting staff mentioned an upcoming meeting with Hammonton, and he was curious if the emergency was the reason for the meeting.

Director Horner said, although the emergency was discussed, Hammonton officials met with staff to discuss the feasibility of using some portion of the Frog Rock Golf Course for an expansion of the Town's wastewater infiltration facility.

Director Liggett provided an update on the following:

- Ground penetrating radar gear was purchased to assist staff with archaeology field work. The Science Office will also use the equipment.
- Staff attended a meeting at the Infrastructure Bank with representatives of the Bank, the Department of Transportation and the Department of Environmental Protection. The meeting was held to address an issue with the process. The Department of Environmental Protection has delayed adoption of rule changes necessary for the Commission to award Pinelands Infrastructure Trust Funds to water supply and transportation projects in addition to wastewater projects. It was determined that a waiver process in place at NJDEP can be used to allow the projects to be awarded funds without the rule changes. Staff will continue to move forward and will next advise the P&I Committee of the selected projects and hold a public hearing. Then the Pinelands Infrastructure Trust Master Plan will be amended to include the approved projects.

Director Chuck Horner provided information on the following regulatory matters:

- Staff met with Berlin Township officials to discuss a development that was approved many years ago and was inadvertently built 2,000 square feet larger than permitted. In order to resolve the matter, public sanitary sewer will be installed to serve the site.

- Staff held a pre-application conference with an applicant interested in establishing a soccer facility in Southampton Township at the corner of Route 530 and Route 206. The Pinelands Protection Act was amended to allow field sports as a low intensity recreational use in the Agricultural Production Area.
- Staff is involved in a municipal court matter in which a farm owner in Mullica Township is using the property as a wedding venue. The weddings have caused traffic problems in the town. The farm owner raised the issue with the Atlantic County Agricultural Board as Right to Farm. The Board said it is not protected under Right to Farm and sent it back to municipal court.
- Staff is trying to resolve a matter in Egg Harbor Township where 129 mobile home units were developed and are currently served by on-site septic systems. As part of subsequent subdivision application and affordable housing settlement agreement, two adjacent parcels were deed restricted in order to meet the ground water quality rules included in the CMP. The deed restriction can only be lifted once the mobile home park is served by public sanitary sewer. The township has applied to Green Acres for a grant to expand a municipal park onto one of the deed restricted parcels.

Commissioner Lloyd asked if staff knew who planned to purchase the parcel on Route 206 & Route 38, and he asked for information about the size of the parcel.

Director Horner said we believe it is the same organization that operates soccer events in Hammonton Town and Waterford Township.

Chief Planner Susan R. Grogan added that the parcel is over 100 acres and has a Pinelands Development Credit deed restriction.

Commissioner Avery asked if the soccer fields would look like agricultural fields or if they would be altered.

Director Horner said the language in the Act does not permit permanent structures.

Commissioner Avery said the same difficulties that arose in Hammonton and Waterford could occur here, including traffic issues, parking problems and portable bathrooms.

Chief Planner Grogan said that she and ED Wittenberg met with the State Planning Commission to reintroduce themselves and discuss the Commission's role as the State Planning Commission starts plan endorsement and center designations.

Stacey Roth, Chief, Legal & Legislative Affairs, said that the Appellate Division issued an order granting the remand of the South Jersey Gas pipeline matter to the Commission. She said it may be necessary to go into closed session for legal guidance.

Communications Officer Paul Leakan provided an update on the following:

- Enrollment for the 3rd Annual Summer Short Course at Kramer Hall has begun. A tour of Atlantic Blueberry Company will once again be offered.

- Invitations have been sent for the Pinelands Orientation for Newly Elected Officials. The orientation is scheduled for July 23 at the Commission's headquarters and will be combined with the Pinelands Municipal Council meeting.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval for the construction of a 3,709 square foot addition to an existing operations building at the Hamilton Township Municipal Utilities Authority.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1981-0545.013) (See Resolution # PC4-19-21). Commissioner Christy seconded the motion.

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

Planning Matters

Chairman Prickett presented a resolution related to Dennis Township.

Commissioner Lohbauer made a motion Issuing an Order to Certify Ordinance 2019-01, Amending Chapter 185 (Zoning) of the Code of Dennis Township (See Resolution # PC4-19-22). Commissioner Pikolycky seconded the motion.

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

Chairman Prickett presented a resolution related to Pemberton Township.

Commissioner Howell said he would be recusing from the next resolution because of the Redevelopment Plan for Rowan College at Burlington County. He said he is employed by Rowan University, which is affiliated with the Rowan College at Burlington County.

Commissioner Avery made a motion Issuing an Order to Certify Pemberton Township Ordinance 12-2019, Adopting the Rowan College at Burlington County Redevelopment Plan, and Ordinance 13-2019, Adopting the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plan (See Resolution # PC4-19-23). Commissioner Christy seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

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

There were no items to be commented on.

Ordinances Not Requiring Commission Action

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

- Hamilton Township Ordinance 1900-2019
- Monroe Township Ordinance O:12-2019
- Washington Township Ordinance 2018-05
- Washington Township Ordinance 2018-07

No members of the Commission had questions.

Other Resolutions

Chairman Prickett said the next resolution allows the Commission to continue to make necessary purchases and pay bills until the Fiscal Year 2020 budget is adopted.

Commissioner Avery made a motion To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2020 at the Same Level of Expenditures as Fiscal Year 2019 until the Adoption of the Fiscal Year 2020 Budget. Commissioner Irick seconded the motion (See Resolution # PC4-19-24).

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

General Public Comment

Temma Fishman of Medford Lakes quoted a number of articles about the effects of climate change. She said there will be an increase in forest fires, the Southern Pine Beetle may reappear and there will be a decline in endangered species. She asked the Commission to amend the CMP to include climate crisis as a dire threat to the Pinelands. She also asked the Commission to vote in favor of voiding the South Jersey Gas pipeline approval.

Jonathan Peters of the City University of New York raised concerns about public rights-of-way. He said the Katz property has a number of public rights-of-way and wants the Commission to ensure that there will still be public access to the property.

Jay Mounier of Franklin Township thanked Commissioner Barr for his service on the Commission. He said Commissioner Barr was a committed and active member of this Commission.

In response to the first commenter, Commissioner Lohbauer said the Commission created a new Committee to address climate issues.

Chairman Prickett said the Land Use, Climate Impact & Sustainability Committee created by Commissioner Earlen plans to hold a meeting in mid-July.

Resolution to Retire into Closed Session

DAG Miles read a resolution to enter into closed session to discuss the appeals related to the South Jersey Gas matter and a personnel matter.

Commissioner Lohbauer made a motion to enter into closed session. Commissioner Irick seconded the motion. The Commission agreed to retire into closed session by a vote of 9 to 0, beginning at 10:22 a.m.

Return to Open Session

The Commission entered back into open session at 11:15 a.m. DAG Miles provided a summary of the closed session. She said the Commission discussed litigation related to the South Jersey Gas matter and a personnel matter.

Adjournment

Commissioner Lohbauer said he is looking forward to the Summer Short Course.

ED Wittenberg said she was disappointed that Commissioner Barr resigned. She said he was a dedicated Commissioner who came prepared for meetings and was passionate about the Pinelands.

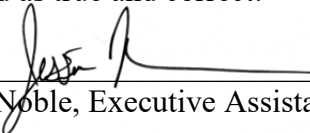
Commissioner Irick agreed with ED Wittenberg. He said Commissioner Barr was a very good Commissioner.

Chairman Prickett said he was sorry Commissioner Earlen wasn't able to make the meeting. He said Commissioner Earlen did a great job running meetings and was always courteous and fair. He thanked Commissioner Earlen for serving as Chairman.

Chairman Prickett added that he was honored to be chosen as Chair.

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 11:20 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: June 24, 2019