

Disclaimer

These minutes reflect the actions taken by the Commission during its August 11, 2017 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 August 25, 2017.

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

MINUTES

August 11, 2017

Commissioners Present

Alan W. Avery Jr., Bob Barr, Paul E. Galletta, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Nicholas Kant and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Bill Brown, Candace Ashmun and D'Arcy Rohan Green.

Commissioners Absent

Giuseppe Chila, Gary Quinn and Jane Jannarone.

Chairman Earlen called the meeting to order at 9:40 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

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

Annual Re-organization

Chairman Earlen said the Commission will vote on a new Vice-Chair and review Committee assignments at the next Commission meeting.

Minutes

Chairman Earlen presented the open and closed session minutes from the July 14, 2017 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Barr seconded the motion.

The open and closed session minutes of the July 14, 2017 Commission meeting were adopted by a vote of 9 to 0, with Commissioner Ashmun and Commissioner Rohan Green abstaining from the vote.

The July 26, 2017 Special Commission meeting minutes were voted on later during the meeting.

Committee Chairs' Reports

Chairman Earlen said the July 28, 2017 Policy and Implementation Committee meeting and the August 8, 2017 Personnel and Budget Committee meeting were canceled.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- It has been noted in the past that staff has been working on a response to the periodic review process for UNESCO's Biosphere Reserve designation. The Commission was recently notified that the Pinelands has been re-designated as a Biosphere Reserve.
- The National Park Service has notified the Commission that John Anfinson will be assigned to the Commission for the next 120 days until a permanent representative can be placed.
- Comment from the New Jersey Natural Gas pipeline application has been provided to the Commissioners, along with the transcript from the July 26th Special Commission meeting, where about 45 members of the public spoke. Staff is preparing a report on the application.
- The Commission property is currently undergoing tree work to remove unsafe and unhealthy trees.

Director Charles Horner said that in the past month staff conducted the following notable meetings:

- Staff met with three utility companies (PSE&G, JCPL&L and Atlantic City Electric) to discuss the use of herbicides within rights of way.

- Staff met with Viking Yacht about a development proposal at the former Ocean Yacht facility in Mullica Township.

Communications Officer Paul Leakan provided an update on the following:

- On July 25th, about 40 municipal and county officials attended the Pinelands Orientation. He said a special presentation regarding local communication facilities was delivered, and was very well received.
- The first-ever Summer Short Course was held on July 27th. Among the courses and tours was a visit to Atlantic Blueberry Company, guided by Commissioner Galletta.
- Documents are being re-submitted to the state for the issuance of a permit for the visitor center.

Chief Planner Susan Grogan said that this past Wednesday, a re-examination of the Long Term Economic Monitoring (LTEM) program was initiated with the convening of a public users group. The attendees consisted of mostly county and municipal representatives, along with staff members from the Department of Community Affairs and Commissioner McGlinchey. She said the group discussed ways to make the program more useful and whether there should be changes to the distribution of the LTEM report. She added that in September, staff is scheduled to meet with a group of economists to look at the technical side of the data used by the Commission. She said lastly, the Commission has contracted with Rutgers University to help with the re-examination of the program.

Director Horner said that two Environmental Specialists have been hired.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of two public development applications. He said the Borough of Lakehurst is proposing a four lot subdivision and the development of three single family dwellings and Manchester Township is proposing the construction of a 150 foot high cell tower.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 2013-0170.002 & 2015-0116.001)(See Resolution # PC4-17-23A). Commissioner Lohbauer seconded the motion.

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

Chairman Earlen presented a resolution recommending the approval for the construction of a 32-space parking lot and sidewalk in Egg Harbor City.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2015-0087.001) See Resolution # PC4-17-24). Commissioner Barr seconded the motion.

Commissioner Prickett asked if there is a register of municipalities that have committed violations.

Director Horner said that staff has the ability to determine if a municipality has had or currently has a violation by looking into the application database.

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

Chairman Earlen presented a resolution recommending the approval for a Waiver of Strict Compliance for the construction of one single family dwelling.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1983-6352.003)(See Resolution # PC4-17-25). Commissioner Lohbauer seconded the motion.

Commissioner Prickett questioned why no conditions were being imposed on the size, width and composition of the proposed driveway associated with the single family dwelling, because it goes through wetlands.

Director Horner explained that staff reviewed the issue and determined that it was not necessary to require a stone driveway, given the existing intervening development between the wetland (Indian Mills Lake) and the parcel proposed for development. He added that the septic system and the dwelling will be located 300ft from wetlands.

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

Public Comment on Public Development Applications and Resolutions where the Record is Not Closed

No comment was provided.

Ordinances Not Requiring Commission Action

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

- Berkeley Township Housing Element and Fair Share Plan
- Berkeley Township Ordinances 17-13-OAB and 17-14-OAB
- Egg Harbor Township 2017 Master Plan Re-Examination Report
- Ocean Township Housing Element and Fair Share Plan
- Ocean Township Ordinances 2017-3, 2017-4 and 2017-5
- Stafford Township Housing Element and Fair Share Plan
- Stafford Township Ordinance 2017-16

Chief Planner Grogan said that many of the ordinances are related to affordable housing and Fair Share Plans.

Chairman Earlen asked if any of the plans have raised concern.

Chief Planner Grogan said that many of the municipalities have chosen to locate the affordable housing sites outside the Pinelands Area or in Regional Growth Areas and Pinelands Towns. She added that this past week the Commission sent a letter to a municipality in Atlantic County in response to a draft ordinance that transferred a portion of its affordable housing obligation to the Commission. She said the letter advised the municipality and the court that the Commission cannot accept a municipality's housing obligation.

Other Matters for Consideration

ED Wittenberg said at the July Commission meeting it was decided that before proceeding with the resolution on Wharton State Forest, the Commission should meet with Commissioner Bob Martin of the New Jersey Department of Environmental Protection (NJDEP). ED Wittenberg said prior to that meeting a draft Wharton resolution was shared with upper management within the Natural and Historic Resources office. She said at the meeting with Commissioner Martin, he did convey that he does not believe a resolution is necessary. ED Wittenberg said the Commissioner believes that the collaborative work between the Commission and the Department has been effective. She reminded the Commission members of the increased enforcement, signage and the initiative to protect the disturbed sites that has been implemented without an agreement. She added that the Commissioner was supportive of the intent of the resolution and the use of USGS maps as a guide, although the maps may depict roads that have since been closed and may not show newly created roads.

ED Wittenberg said she revised the resolution based on the meeting with the Commissioner. Unfortunately, because of the mailing date of the meeting packet it was not included in the August packet. (See attached Draft Resolution which was distributed to Commissioners at the meeting.) She explained the minor changes to the resolution. She said that a group of event users were concerned about certain language in a previous iteration of this resolution and that language was removed. In addition, she noted that language regarding comments received would be clarified to specify the comments were made at Commission meetings.

Most of the Commissioners present at the meeting expressed their support for the resolution to "Designate Existing Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles." ED Wittenberg said this resolution will be on next month's agenda for a vote.

General Public Comment

Chairman Earlen reminded the public that the public comment period for the New Jersey Natural Gas (NJNG) application has closed. In spite of the Chairman's reminder, the following people provided comment on this matter: Georgina Shanley, Micah Rasmussen, Doug O'Malley and Virginia Tamets.

Georgina Shanley of Ocean City, NJ said she was happy that the Pinelands remains a Biosphere Reserve.

Roy Howard said the NJDEP closed 275 miles of roads in Wharton State Forest which started the original Motorized Access Plan process. He said after a public process, the NJDEP re-opened all the roads, dedicated a team of police officers to Wharton and posted signs and guidance related to road closures. He asked the Commission why they were revisiting the topic of road closures.

Joseph Springer of Southampton Township, NJ, said the resolution includes a list of organizations that provided input to the Commission. The list included the Enduro community, which he said he is very active in. He said the Enduro community did not meet with the Commission. He said he has reservations about the resolution and the use of the USGS maps. He suggested the Commission look at the Delaware Valley Regional Planning Commission and the maps it uses.

Micah Rasmussen of Upper Freehold, NJ spoke during public comment.

Doug O'Malley of Environment New Jersey said there needs to be a process and a map that protects Wharton State Forest.

Virginia Tamets of Mays Landing, NJ spoke during public comment.

Toni Granato, of the NJ Sierra Club said she was disappointed that the Commission did not adopt the Wharton State Forest resolution today. She said the off-road vehicle damage continues to occur because the Commission delayed action. She said the map will help park police enforce the rules.

Marilyn Miller of Toms River, NJ expressed how much she cares about the Pinelands.

Jack O'Connor of Point Pleasant, NJ, and Pine Barrens Adventure Camp, said his camp teaches responsible Enduro riding. He said he spends a lot of time in Wharton State Forest and does not see the damage. He would like to look at the list of the damaged areas that ED Wittenberg mentioned.

Peter Ferwerda of Warren Grove, NJ, asked what the recourse is if an applicant submits false information or knowingly omits information from their application.

Commissioner Brown signed off from the meeting at 10:55 a.m.

Rocky Spano of Jacobstown, NJ, said Enduro riders leave a 4-inch track. He said most of the damage occurring at Wharton is from bigger trucks. He said it is important for people to have a place to recreate.

Jason Howell of the Pinelands Preservation Alliance said he believes the Wharton resolution is a good compromise for all parties.

Harriet Rola of Haddon Township, NJ said the Pinelands are her wilderness and the Commission should do all it can to protect it, especially in such a densely-developed state like New Jersey.

Other

ED Wittenberg said she wanted to clarify something that Mr. Springer brought up during public comment. She said the Commission did not meet with any groups as part of the Wharton State Forest process but rather heard public comment from a host of user groups at Commission meetings and Committee meetings. She said she would include additional language in the resolution to make it clearer.

Commissioner Lloyd said he would like to correct the record. He said he has recused himself from the NJNG pipeline matter and Counsel pointed out that he inadvertently participated in the vote to approve the July 26, 2017 minutes. He noted that he did not attend the meeting nor were the minutes included in his packet.

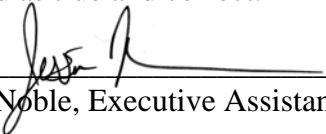
Chairman Earlen presented the minutes from the July 26, 2017 Special Commission meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the July 26, 2017 Special Commission meeting were adopted by a vote of 9 to 0, with Commissioner Lloyd recusing from the vote.

Adjournment

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:02 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: August 21, 2017