

Disclaimer

These minutes reflect the actions taken by the Commission during its August 12, 2016 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on August 22, 2016.

PINELANDS COMMISSION MEETING

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

MINUTES

**August 12, 2016**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Joe DiBello, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Michael Collins and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Bill Brown, Giuseppe Chila, Paul E. Galletta, Jane Jannarone, Ed Lloyd and D'Arcy Rohan Green.

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

DAG Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 9 Commissioners present.)

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

#### Minutes

Chairman Earlen presented the minutes from the July 8, 2016 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the July 8, 2016 Commission meeting were adopted by a vote of 8 to 0, with Commissioner Quinn abstaining.

#### Committee Chairs' Reports

Commissioner Avery provided an update on the August 2, 2016 Personnel & Budget Committee meeting.

The Committee adopted the minutes from the February 2, 2016 and May 24, 2016 meetings.

Jessica Lynch reviewed the check registers, electronic disbursements and application fees covering May and June. Michelle Russell provided an update on employee actions.

Nancy Wittenberg and Jessica Lynch reviewed the Draft FY2017 Budget Resolution. The Operating Budget, the Kirkwood Cohansey Aquifer Assessment Study Fund Budget and the Pinelands Conservation Fund Budget were discussed. The Committee members recommended Commission approval of the budgets.

There was no public comment. The Committee met in closed session.

Chairman Earlen provided an update on the July 29, 2016 Policy & Implementation (P&I) Committee meeting.

The Committee adopted the minutes of the June 24, 2016 meeting.

The Committee reviewed proposed CMP amendments related to a number of issues generated by the Fourth Plan Review (application fees, procedures and exemptions, definitions, notices, waivers, landfills, alternate design wastewater systems, signs and a pilot program to protect the Black Run headwaters). The proposals will now be submitted to the Governor's office for review before any formal action by the Commission.

The Committee received a presentation on enhancements to the Pinelands Development Credit Program. Staff has met with the major interest groups, farmers and builders, and is reviewing suggested revisions to the proposal.

Executive Director's Reports

Ms. Wittenberg provided an update on the following:

- Staff met with both the Farm Bureau and the New Jersey Builders Association (NJBA) to discuss Pinelands Development Credit (PDC) enhancements. NJBA raised some concerns with the enhancement proposal which were discussed at the last P&I meeting. Staff continues to work on an enhancement proposal.
- The state auditors arrived on Tuesday, August 8<sup>th</sup> to begin work on the FY 15 Audit.
- The analysis of the Wharton State Forest Off-Road Vehicle (ORV) damage GIS point data is expected to be completed by the September Commission meeting. Staff plans to make a recommendation to the Commission on what can be done in conjunction with NJDEP at Wharton State Forest.

Commissioner Lohbauer asked if enforcement data had been provided to the Commission by NJDEP.

Ms. Wittenberg said NJDEP did provide a spreadsheet with enforcement data but it is coded in a way that is not intuitive. She said that at the September meeting she would have more information on what the codes mean. She said NJDEP enforcement data is typically used as an internal tool. She added that a recent enforcement sweep did not produce any ORV violators.

Commissioner Prickett said he noticed an NJDEP poster displayed in the lobby depicting the Pinelands in an unspoiled state and in a destroyed state. He said he believes this is an effective public relations effort that engages the public to help keep the Pinelands pristine.

Ms. Wittenberg introduced Marilyn Sobel who recently joined the Science office as a Research Scientist.

Mr. Larry Liggett updated the Commission on the following:

- Staff will provide an update at the next P&I Committee meeting about the Kirkwood-Cohansey study as it relates to the regulation of new wells and water allocations in the Pinelands.
- The Commission's Management Information and Geographic Information Systems (MIS/GIS) Manager is retiring effective October 1. Staff is currently reviewing resumes and will be scheduling interviews for that position.
- Staff continues to work on a tool (site evaluator) that will allow members of the public to look up parcel-specific data from the Commission's website. Staff is working out the glitches and anticipates debut of the website tool in September.

Mr. Chuck Horner updated the Commission on the following:

- At the last Commission meeting a member of the public raised concern about a stormwater basin that began to hold water in Medford Township at the intersection of Route 70 and Evesboro-Medford Road. Mr. Horner said the basin is lined with

clay and was designed to hold water. He said in times of drought, the water in the stormwater basin will become stagnant, but the basin is functioning properly.

- Waterford Township contacted the Commission and requested that the application on today's agenda for the municipal parking lot be deferred to the September Commission meeting.

Mr. Paul Leakan updated the Commission on education-related efforts:

- Joel Mott educated three classes at Lakewood High School on July 20<sup>th</sup>. On August 3<sup>rd</sup> Mr. Mott spoke about the sights and sounds of the Pinelands at the Tuckerton library.
- On July 28<sup>th</sup> approximately 42 newly elected officials gathered for the Pinelands Orientation held in conjunction with the Pinelands Municipal Council meeting.
- A kick-off meeting for the visitor center has been scheduled for September 8<sup>th</sup>; staff will be joined by the contractor and the exhibit fabricator.
- Multiple staff members have been preparing the draft Biosphere periodic review report. The purpose of the report is to ensure that the Pinelands Biosphere Reserve is meeting the goals of the UNESCO Man and the Biosphere program. The final report must be submitted in September.

Ms. Wittenberg added that there seems to be a renewed focus by the United States regarding Biosphere Reserves in the U.S. She said it's a good opportunity for the Commission to partner with other Biosphere Reserves with similar attributes, and issues of concern.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of the development of a student center at Atlantic Cape Community College and the placement of a modular office building in the Borough of Medford Lakes.

Commissioner Barr moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1983-5250.013 & 1990-1177.007)(See Resolution # PC4-16-23). Commissioner Lohbauer seconded the motion.

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

Chairman Earlen presented a resolution recommending the approval to construct a public works building and salt storage shed in Southampton Township.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1986-0495.008) (See Resolution # PC4-16-24). Commissioner Lohbauer seconded the motion.

Commissioner Prickett asked about the township's plans to address the violation on the parcel.

Mr. Horner said the township plans to restore the area to its pre-violation condition. He said the area was previously a maintained grass area.

Commissioner Prickett asked if Southampton Township would be using native Pinelands grass seed.

Mr. Horner said that staff could make that recommendation to the township.

Commissioner Ashmun expressed her disappointment with the various violations associated with the Public Development applications on this month's agenda.

Commissioner DiBello asked if the soccer complex will be re-located.

Mr. Horner said the township advised staff that the soccer complex will be relocated outside of the Pinelands Area.

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

Chairman Earlen presented a resolution recommending the approval of the installation of scour countermeasures (rip-rap) along the banks of the Great Egg Harbor River in Winslow Township.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2015-0066.001) (See Resolution # PC4-16-25). Commissioner Barr seconded the motion.

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

Chairman Earlen presented a resolution recommending the denial of an application for a Waiver of Strict Compliance for the development of a single family dwelling.

Commissioner Prickett moved the adoption of a resolution Denying an Application for a Waiver of Strict Compliance (Application Number 1981-0704.001) (See Resolution # PC4-16-26). Commissioner Avery seconded the motion.

Commissioner Barr asked why this was an application for a denial.

Mr. Horner explained the Limited Practical Use (LPU) program. He said the NJDEP may acquire parcels of land if they have been deemed to have a limited use. The process begins with the Commission's determination, in the form of denial of an application for a Waiver of Strict Compliance, that a parcel of land is unbuildable.

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

#### Municipal Ordinances

There were no Municipal Ordinances on this month's agenda.

Public Comment on Agenda Items and Pending Public Development Applications

Mark Demitroff of Richland, NJ provided comments on Application # 2006-0054.004. He raised concerns over a proposed stormwater basin in the area of an existing septic field. (See attached handout). He questioned if deed restrictions had been filed for parcels associated with this application. He asked Commissioners to follow the CMP.

Other Resolutions

Commissioner Earlen presented the FY 17 Budget resolution.

Ms. Wittenberg said the Commission's three budgets consist of the following: Operating Fund, Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund. She noted that the state appropriation is up \$150,000 from last year to assist with the salary and fringe benefit costs the Commission incurs. The Operating Fund expenditures were reviewed. Ms. Wittenberg said the corresponding notes provide in-depth detail. Ms. Jessica Lynch reviewed the reserve balances.

Ms. Wittenberg said money has been allocated to paint the exterior of Fenwick Manor. She said the cost of the painting was estimated to be around \$100,000. Staff is looking for grant opportunities to assist with the cost of the painting. She noted that the NJ Department of Treasury owns the building. She said the Governor's office is assisting in the process of determining who is responsible for the painting.

All funds remaining in the Kirkwood-Cohansey budget will most likely be expended in FY 17. The remainder of the monies (\$153,116) will be used to support development of water supply policy. Ms. Wittenberg said the US Geological Survey staff may be hired to assist with any outstanding work.

Ms. Wittenberg reviewed the Pinelands Conservation Fund (PCF) budget. She said the fund supports land acquisition projects, education and outreach, the visitor center and various special projects. The PCF budget for FY17 is \$1,816,792.

Ms. Wittenberg reviewed staffing levels. She said staff will be working on the following initiatives in FY 17: construction of the Visitors Center, Plan Review implementation (efficiency measures, signs, PDC enhancements, Black Run and Kirkwood-Cohansey), possible changes to the PDC Bank, Cultural Resources, Biosphere periodic review, review of the Long Term Economic and Environmental Monitoring programs, affordable housing and exterior painting of Fenwick Manor. (See presentation slides for additional details.)

Commissioner Avery moved the adoption of a resolution To Adopt the Pinelands Commission's Fiscal Year 2017 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund (See Resolution # PC4-16-27). Commissioner Lohbauer seconded the motion.

Commissioner McGlinchey said he does not support the Operating Fund Budget because there is no across the board raise for staff.

Commissioner Barr asked why there was such a fluctuation in application fees over the past couple of years.

Ms. Wittenberg said she believes that fees are driven by the economy; more development is happening now, which resulted in an increase in application fees for FY16.

Commissioner McGlinchey suggested the Commission consider revising its application fees so they would cover 100% of the cost for staff's review of development applications. An escrow would be required for each application and the staff's review costs would be drawn from that escrow. This would be similar to what some municipalities do.

The Commission adopted the resolution by a vote of 8 to 1, with Commissioner McGlinchey voting no.

#### Ordinances Not Requiring Commission Action

There were no Ordinances on this month's agenda.

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

Terry Schmidt of Lower Bank, NJ provided a handout that included pictures of healthy and unhealthy roadside habitat and images of appropriate mowing practices and bad mowing practices (see attached). She spoke about the issues related to roadside mowing. She said in order to protect native Pinelands plants along roadsides, mowing should be kept to a minimum. She asked the Commission to consider revoking the benefits of the Memorandum of Agreement the Commission entered into with Burlington County since the County is not adhering to the "Mowing and Maintenance Best Management Practices for Pine Barrens Roadside Plant Communities" that is a condition of the MOA. She said the mow line should go no further than 8 feet from the white line in the road shoulder. She asked for the Commission's support to ensure that the best mowing practices are followed.

Jason Howell, Pinelands Preservation Alliance, said a volunteer group was planning to go to Apple Pie Hill for a clean-up event over the weekend. He said about three weeks ago a group planted 300 Atlantic white cedar trees on private property that had been damaged by ORV activity in the past. He said after getting a message to check on the trees, he found the planted trees had been destroyed by vehicles and then set on fire. He said the ORV damage issues need to be addressed.

Mark Demitroff of Richland, NJ discussed his views and opinions regarding the issue of "Redevelopment" in the State of New Jersey and specifically in the Pinelands Area. He said if the Commission approves the application for reconstruction of the previously existing commercial building in Richland Village, the other 46 Villages in the Pinelands are in jeopardy of being redeveloped.

Adjournment

Commissioner Lohbauer said that this Commission must make the public aware that it does not support the destruction of state forests by ORVs. He said there should be a map defining where riders are permitted, which would allow for better enforcement at Wharton State Forest. He also noted that Commissioner Ashmun was the recipient of a leadership award presented by the Sustainable Raritan River Collaborative and the Sustainable Raritan River Initiative.

Chairman Earlen said that at the P&I Committee meeting, it was mentioned that Robyn Jeney was in the process of meeting with various counties on roadside maintenance practices.

Commissioner Avery said it is a difficult task to manage mowing on county roadsides.

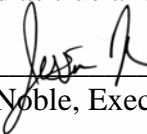
Commissioner Prickett said there are some threatened and endangered plants on the Commission property, in the bog garden. He asked Mr. Leakan to provide an update on the bog garden.

Mr. Leakan said the bog garden is thriving and there have been numerous orchids that have bloomed. He said this past spring native Pinelands plants were planted in the front of the Richard J. Sullivan Center. He said he plans to tie the Commission's native landscaping efforts into the visitor's center experience to educate the public regarding the importance of planting native species.

Commissioner McGlinchey said the crews he manages as Public Works Director in Winslow mow with only one pass.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner DiBello seconded the motion. The Commission agreed to adjourn at 10:50 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: August 18, 2016