

Disclaimer

These minutes reflect the actions taken by the Commission during its January 13, 2012 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 January 27, 2012.

PINELANDS COMMISSION MEETING¹

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

MINUTES

February 10, 2012

Commissioners Present

Candace Ashmun, William Brown, Sean Earlen, Paul E. Galletta, John A. Haas, Edward Lloyd, Ed McGlinchey, Bob Jackson, Richard Prickett, D'Arcy Rohan-Green, Gary Quinn, Fran Witt and Chairman Mark S. Lohbauer. Also present were Executive Director Nancy Wittenberg, Authorities Unit Liaison David Reiner and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Rick Harris and Leslie Ficaglia

Chairperson Lohbauer called the meeting to order at 9:31 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.)

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

Minutes

Chairman Lohbauer presented the January 13, 2012 Commission meeting minutes, and Commissioner Ashmun moved the adoption of the minutes. Commissioner Lloyd seconded the motion.

The minutes of the January 13, 2012 meeting were adopted by a vote of 13 to 0.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

Committee Chairs' Reports

Personnel and Budget Committee Meeting

The January 31, 2012 Personnel and Budget Committee meeting was cancelled due to lack of agenda items.

Policy and Implementation Committee Meeting

Chairman Lohbauer updated the Commission on action from the January 27, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the January 3, 2012 meeting.

The Committee recommended that the Commission certify Waterford Township Ordinance 2011-19.

Staff continues to discuss a draft Memorandum of Understanding with DEP regarding water quality management planning;

Staff presented an overview of a Memorandum of Agreement with Ocean County concerning the Robert J. Miller Airpark and a proposal to allow the development of a Crosswind Runway and other improvements;

Staff made a presentation on the Alternate Design Wastewater Treatment Pilot Program and a two part retrofit program to evaluate lifting the suspension on the participation of the Cromaglass technology in the program;

Staff discussed CMP provisions that allow municipalities to modify the clustering amendments based on local conditions, provided that the goals and objectives of the clustering program are not undermined.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commissioners on the following:

- Ms. Wittenberg stated she attended the Municipal Council meeting in Corbin City. At that meeting, they took nominations for seats on the Executive Committee. Officers will be elected at the annual re-organization meeting in March. The mayors and their designees expressed interest in the following topics: forestry issues, septic systems, clustering, Plan Review and Southern Pine Beetle (SPB).
- Ms. Wittenberg informed the Commission she attended a meeting with Commissioner Martin and other NJDEP staff, at which they discussed concerns with Southern Pine Beetle. Due to warm temperatures this winter, the NJDEP is seeing SPB activity in the State. In response DEP has started doing fly-overs to identify SPB activity. DEP will be doing a press release soon to address numerous

SPB concerns. The NJDEP is looking for funding to help with suppression activities.

- Staff met with the New Jersey Builders Association. Stormwater regulations were the main focus of the meeting. At that meeting, participants stressed the need to coordinate a bigger meeting with NJDEP, County Soil Conservation Districts, Pinelands Commission, County engineers and builders to have a technical discussion.

Mr. Chuck Horner updated the Commission on the following:

- Burlington County is moving towards completion of an application to widen Route 530. There is an issue with the construction of the widening and stormwater facilities on lands that have been deed restricted for PDCs. This will be discussed at the PDC Bank Board meeting on February 16.
- Mr. Horner noted that a Certificate of Completeness was included in this month's packet. In this case, a WaWa is being proposed in the Borough of South Toms River. Because the Borough is uncertified, staff issued a Certificate of Completeness, rather than a Certificate of Filing.
- Staff participated in a meeting with Woodland Township to discuss commercial development opportunities along Route 72.

Mr. Larry Liggett updated the Commission on the following:

- Solar mapping will be added to the Commission's website to help applicants determine whether solar facilities can be installed on specific parcels of land.
- Mr. Ed Wengrowski is setting up a workshop to inform applicants and engineers about the four new alternate design septic systems. The workshop will be held at Stockton College at the end of March.
- On February 21, 2012, there will be a public hearing on the Public Safety Tower plan.

Ms. Susan R. Grogan updated the Commission on the following:

- The PDC Bank Board meeting will take place at the Commission's offices on February 16, 2012. The Burlington County road widening project will be discussed.
- Recently two public hearings were held on clustering ordinance, one for Manchester Township and another for Buena Vista Township. The Commission received many comments in opposition to the Manchester Township Ordinance.
- Staff met with Hamilton Township to discuss their clustering ordinances. It was a very productive meeting. In the coming months, the Commission will be seeing a lot of clustering ordinances up for review.

Commissioner Haas asked what price a quarter credit is selling for. Ms. Grogan stated the average sale price for a quarter credit is between \$11,000- \$12,000.

Chairman Lohbauer mentioned the new Smart board, which was recently installed in the TDM room. Chairman Lohbauer discussed his intention to establish a third Committee to focus on "Plan Review". He stated creating this Committee will accommodate our full

complement of Commissioners, allowing all 15 Commissioners to be voting Committee members. During the March meeting, he will announce Committee assignments.

Presentation by the Office for Planning Advocacy

Chairman Lohbauer introduced and welcomed Mr. Dan Kennedy, Deputy Director, Office for Planning Advocacy.

Mr. Kennedy briefed the Commission on the *draft* Final State Strategic Plan. He discussed the plan development process, conditions needed for changes, the vision and mission, guiding principles, goals and objectives of the State Strategic Plan (See attached slides for more detail).

After the presentation Mr. Kennedy answered Commissioners' questions.

Public Development Projects and Other Permit Matters

Commissioner Haas moved the adoption of the Resolution Approving With Conditions an Application for a Public Development (Application Number 1982-2731.007) (See Resolution # PC4-12-02). Commissioner Earlen seconded the motion.

Commissioner Ashmun was concerned that, by approving this application, the Commission would be pre-determining the Manchester Township zoning. Mr. Horner stated that the County garage facility being proposed is a permitted use in the Pinelands Regional Growth Area. However, because the County is the applicant, the project is not subject to Township zoning.

Ms. Grogan stated that the County has owned the parcel for some time. Staff is concerned with the loss of PDCs. Regardless of the zoning, the County would not be required to adhere to it.

Commissioner Prickett questioned the wellhead protection and recharge area. Ms. Wittenberg stated that all discharge will be regulated by a NJPDES permit. Mr. Liggett added that Manchester had no ordinance in place for wellhead protection.

Commissioner Prickett asked if the facility would be mixing salt and sand. Mr. Horner advised that they would not be mixing salt and sand at the facility.

Commissioner Prickett asked about the location of the conservation easement. Mr. Horner checked the plan. He stated that in order to meet the stormwater standards, the applicant is proposing to deed restrict a 13 acre forested portion of the property, which fronts on Ridgeway Boulevard.

Commissioner Ashmun questioned why the public development report did not address N.J.A.C. 7:50- 6.83 and 6.84, minimum standards for protection of water quality. Ms. Stacey Roth directed Commissioner Ashmun to page five of the report, which states that

the development must be consistent with standards contained in Subchapter 5 and 6 under our rules, which states that the development is in conformance with groundwater quality.

The Commission adopted the resolution by a vote of 13 to 0.

Resolutions Relating to Municipal Ordinances

Commissioner McGlinchey moved the adoption of the Resolution Issuing an Order to Certify Ordinance 2011-19, Amending Chapter 176 (Land Use) of the Code of Waterford Township (See Resolution # PC4-12-03). Commissioner Galletta seconded the motion.

Commissioner Ashmun commented that she felt that we were missing the opportunity to collect a fee for the applications, which will now be streamlined with the adoption of this ordinance. In the future, we need to rethink how we can collect money for applications of this sort.

Commissioner Prickett expressed a number of general concerns with streamlined permitting. However, he stated that for this specific area, it seemed reasonable. Chairman Lohbauer concurred and stated that approval of simplified permitting systems would be done on a case by case basis.

The Commission adopted the resolution by a vote of 13 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

Mr. Rich Bizub of the Pinelands Preservation Alliance commented on Application # 1986-0122.022. He requested the Commission work with the New Lisbon Developmental Center to relocate the proposed wells to a deeper aquifer, which will have less of an impact on nearby streams and wetlands. (See attached handout)

Mr. John Saltarelli from South Toms River expressed opposition to the construction of the Wawa (Application #1987-0925.004). Mr. Saltarelli requested direction from the Commission regarding the correct procedures of filing an appeal of the Inconsistent Certificate of Completeness.

Ms. Roth said that a request is pending for an appeal of a Certificate of Completeness. Ms. Roth suggested that the Commission could go into closed session to discuss the matter at the conclusion of the meeting, if it so desires. Ms. Roth did not feel comfortable speaking about pending litigation in the public portion of the meeting. Mr. Horner provided clarification of the term "inconsistent" with regard to this application. Ms. Roth also explained that the Certificate of Completeness is not an approval; it only allows the applicant to take the proposal to the Township level.

Ms. Theresa Lettman of the Pinelands Preservation Alliance commented on Application # 1987-0925.004. Ms. Lettman said that the CMP requires the Certificate of Completeness to state whether the application should be approved, approved with conditions or

disapproved (7: 50-4.15) The public expected the Commission to do what the Plan said, and that did not happen.

Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Eagleswood Township Ordinances 2011-07 and 2011-08
- Egg Harbor Township Ordinance 38-2011
- Egg Harbor Township Ordinance 39-2011
- Manchester Township Ordinance 11-026
- Medford Lakes Borough Ordinance 566
- Medford Lakes Borough Ordinance 592
- Vineland City Ordinance 2011-65

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

Mr. Fred Akers, of the Great Egg Harbor Watershed Association and River Council, stated that he appreciated the presentation on the *draft* Final State Strategic Plan. Mr. Akers feels exporting water out of the Pinelands will have an impact. He is looking forward to the presentation of the Kirkwood-Cohansey study, which should be beneficial to future planning. He also commended the Science staff and the great job they are doing.

Commissioner Jackson stated that there are going to be repercussions from pumping fresh water out of the ground and into the ocean.

Commissioner McGlinchey asked a question about Application # 1986-0122.022 and Mr. Bizub's comments. He was curious if the discharge from the wells will be in the same watershed. Mr. Horner stated he believes so but that portion of the review has yet to be completed.

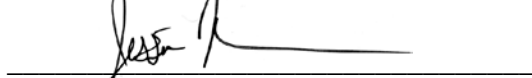
Commissioner Prickett had a question about the 2011 Oct. /Nov. /Dec. Management Report and Database QA/QC, mentioned under the Management Information Systems section. Mr. John LaMacchia provided further detail about this Database.

There was no need for a closed session.

Adjournment

Commissioner Earlen moved to adjourn the meeting. Commissioner Witt seconded. The Commission agreed to adjourn at 11:42 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: February 27, 2012____