

Disclaimer

These minutes reflect the actions taken by the Commission during its October 12, 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 October 23, 2012.

PINELANDS COMMISSION MEETING¹
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

October 12, 2012

Commissioners Present

Candace Ashmun, Bill Brown, Sean Earlen, D'Arcy Rohan Green, Ed Lloyd, Paul E. Galletta, John A. Haas, Robert Jackson, Ed McGlinchey, Richard Prickett, Gary Quinn, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison John Cascarano and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Leslie Ficaglia.

Chairman Lohbauer called the meeting to order at 9:34 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.

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.

Minutes

Chairman Lohbauer presented the September 14, 2012 Commission meeting minutes (open and closed). Commissioner Ashmun moved the adoption of the minutes. Commissioner Rohan Green seconded the motion.

The minutes of the September 14, 2012 meeting were adopted by a vote of 13 to 0.

Committee Chairs' Reports

Personnel and Budget Committee Meeting

Commissioner Haas said the October 2, 2012 Personnel and Budget Committee meeting was cancelled.

Plan Review Committee

Commissioner Ashmun updated the Commission on action from the September 14, 2012 Plan Review Committee Meeting:

The Plan Review Committee met on September 14th and held the last of its meetings to accept public comment on September 24th at 7 p.m.

We received comments from 11 people on September 14th and from 15 people on September 24th. The Commission is thankful to all who submitted public comment.

The public comment period for Plan Review closed on September 28th, and all comments have been posted on our Web site. We received nearly 300 pages of comments.

The Committee will meet again on Friday, November 9th. At that time, we plan to discuss the public comments.

Chairman Lohbauer also thanked the public for the comments they have submitted for Plan Review.

Policy and Implementation Committee Meeting

Chairman Lohbauer updated the Commission on action from the September 28, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the August 31, 2012 meeting.

The Committee received a presentation from staff and Atlantic County Planning officials regarding efforts to avoid secondary impacts related to improvements at Interchange #44 of the Garden State Parkway.

The Committee recommended conditional certification of Hamilton Township's April 2012 Master Plan Reexamination Report and Ordinance 1722-2012.

The Committee met in closed session to discuss acquisition matters related to improvements at Interchange #44 of the Garden State Parkway and a Pinelands Conservation Fund project.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commissioners on the following:

- A group of Staff members met for almost two days last week to hold an event known in the Lean world as "Kaizen", which means improvement. The event mapped out a plan to streamline the Commission's Call up/No Call up/Local Approval process. Inefficiencies and waste in the processes were identified.
- A public hearing was held to solicit testimony regarding the Stockton MOA. Three people testified. Staff is currently reviewing the comments.
- A meeting was held between Commission staff and the Highlands Council staff. The Limited Practical Use Program, Pinelands license plates, by-ways and Plan review were discussed.
- A lunch meeting was held with representatives from the Joint Base McGuire Dix Lakehurst. We discussed a new military initiative regarding the leasing of federal land for energy projects. We also discussed potential approaches on development applications, to resolve the current situation where the Joint Base is not applying to the Commission.
- Staff received an update from Dan Kennedy, Deputy Director of the Office of Planning Advocacy, on the State Plan. The Commission submitted comments months ago.
- A meeting was held with DEP Commissioner Martin and it was agreed we need to have a bigger meeting to discuss issues between the Commission and DEP. Forestry will definitely be on the agenda.

Mr. Larry Liggett updated the Commission on the following:

- We have published notice in the New Jersey Register regarding the four new septic systems. DEP will be issuing a blanket treatment works approval soon, for the alternate design septic systems in the Pinelands.
- Mr. Ed Wengrowski will be reporting on the FAST and Cromaglass systems next month.
- Every year, the Commission receives funding from the Camden County Municipal Utilities Authority and the Monroe Municipal Utilities Authority to monitor the streams. The monitoring insures the withdrawals that are going through the sewage systems are not having any negative impacts. The contracts are up this year, and we will look at any necessary changes that Commission may need to make. A report will be forthcoming on the withdrawals from the Upper Mullica and the Upper Great Egg Harbor.

Mr. Chuck Horner updated the Commission on the following:

- Staff met with Egg Harbor City officials concerning a bike path proposal starting at Route 563.
- We met with the Buena Vista Township Administrator to discuss some old violations. The Township is interested in resolving those issues.
- Staff met with Stafford Township to address the flooding problem at the Ocean Acres development.
- Staff also met with Pemberton Township to discuss what constitutes an application to the Commission regarding road improvement projects.
- The Commission is also coordinating with other agencies regarding asphalt millings. DEP has issued a guidance document on how asphalt millings can be used.

Other

Commissioner Ashmun asked if we had heard anything about the status of the State Water Supply Master Plan. She said it would be nice if there could be some coordination with the Kirkwood-Cohansey study and the Water Supply Master Plan.

Mr. Liggett said we have reached out to DEP but they are not ready to have any discussions yet. He said we would like to see how they are going to regulate water allocation and wells, so the Commission can be in sync with what they decide.

Commissioner Prickett asked Mr. Liggett to elaborate on the effects of importing water into the Pinelands specifically in the Upper Mullica area.

Mr. Liggett said that in the late 80's there were a series of policy changes to the CMP. In Winslow, Waterford and Chesilhurst, zoning, water supply and sewage planning are structured around one another. In that area, 1.2 million gallons were allowed to be exported to the Delaware River and Camden Treatment plant. Since then, Winslow Township has agreed to use New Jersey American Water for public water usage in the Regional Growth Area. Going forward we will need to consider a new strategy to monitor the Kirkwood-Cohansey Aquifer because the use of New Jersey American Water has relieved some of pressure.

Ms. Roth provided her interpretation of the amendments to the Permit Extension Act at the request of Commissioner Earlen. Ms. Roth said the Governor signed amendments to the Permit Extension Act on September 19, 2012, extending it through December 31, 2014. She said she has prepared a notice and upon approval from the Governor's office, the Commission will publish in the NJ Register.

Ms. Roth said she attended the most recent Pinelands Municipal Council Meeting where she provided an update on Plan Review. The Municipal Council has submitted comments. Ms. Roth also provided an overview to the Council on wastewater planning. The Council is very interested in the Municipal Fiscal Health report and would like to see those efforts renewed.

Ms. Roth said that it is time once again for all Commissioners to complete Ethics training.

Ms. Wittenberg asked Mr. Paul Leakan to explain the upcoming event at Batsto Lake.

Mr. Leakan said that on October 26, 2012, the Commission along with DEP and Jacques Cousteau will partake in World Water Monitoring Day. This year about 120 students will learn about the importance of maintaining water quality in the Pinelands.

Ms. Wittenberg said that on Monday, October 15th the Commission will welcome two new employees in the Science office, filling the Research Scientist and Research Technician vacancies.

Public Development Projects and Other Permit Matters

Commissioner Lloyd moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1991-1269.004, 1996-1125.002 & 2004-0082.001) (See Resolution # PC4-12-32). Commissioner Jackson seconded the motion.

Commissioner Rohan Green commented that the reports were well written. She also said that the native grass list should be mandatory and hopes that Plan Review will accomplish that.

Commissioner Jackson asked if there are incentives we can give to applicants to use native grass species.

Mr. Horner said there are a host of issues that sometimes prevent the applicant from using native grasses, including its availability.

Commissioner Ashmun said we keep widening roads for safety but we should also be concerned with marking these roads for bicyclists.

Commissioner Jackson agreed and said we advocate biking in the Pines.

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

Resolutions Relating to Municipal Ordinances

Commissioner McGlinchey moved the adoption of a Resolution Issuing an Order to Conditionally Certify the April 2012 Master Plan Reexamination Report and Ordinance 1722-2012, Amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township (See Resolution # PC4-12-33). Commissioner Prickett seconded the motion.

Ms. Grogan said that this Ordinance is in response to the Commission's CMP amendments related to clustering, forestry and wetlands management. Incorporated in this ordinance is

a minor zoning change from residential to commercial to reflect existing commercial development. Ms. Grogan explained the three changes that Hamilton Township has elected to make:

- Individual lots in a cluster development must contain 50% developable lands;
- Bonus density is only applicable if the applicant buys land after April 2009; and
- The bonus units would only apply to the upland portion of the parcel.

Staff feels that the bonus restriction to the upland portion of the parcel is too stringent and thus it is only being recommended for a conditional certification.

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

Public Comment on Agenda Items and Pending Public Development Applications

No one offered public comment.

Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Berkeley Township Ordinance 2012-16-OAB
- Egg Harbor Township Ordinance 38-2012
- Stafford Township Ordinance 2012-13

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

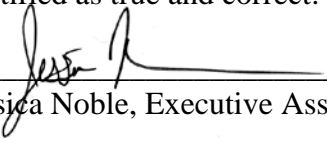
Mr. Fred Akers of the Great Egg Harbor River Council updated the Commission on the on-going basin work at the Hamilton Mall. He also said that if the Commission wants to save staff time, it should stop spending so much energy on complicated MOAs.

Ms. Blanche R. Krubner, Pinelands Preservation Alliance Board member, said the Commission needs to fight to keep regulating forestry and doesn't believe DEP would make a good steward of forestry. She said forestry should not be renamed an agricultural activity because there would be no restrictions. She said that the forests in the Pine Barrens are crucial in fighting global warming. She said the Commission should do whatever it can to keep regulating forestry activities.

Adjournment

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn at 10:32 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: __October 18, 2012__