

Garden State Preservation Trust
Oct. 17, 2017, Meeting Minutes
Statehouse Annex Meeting Room 16

Chairman Ken Atkinson called the meeting to order at 11:01 a.m. Executive Director Ralph Siegel read a statement certifying compliance with the Open Public Meetings Act and then called the roll. Public members in attendance were: Chairman Atkinson, Laura Overdeck and Benjamin Spinelli. Ex-officio members in attendance were Susan Payne (for Agriculture Secretary Douglas H. Fisher), Martha Sapp (for DEP Commissioner Bob Martin), Dorothy Guzzo (for Community Affairs Commissioner Charles A. Richman) and Ryan Feeney (for Treasurer Ford M. Scudder). Vice-Chairman Greg Romano and Andrew Buzby were absent.

OPENING REMARKS

Chairman Atkinson welcomed members to the meeting and thanked them for coming. He said it was important to employ the money available in the second year of the dedication of Corporation Business Tax (CBT) funds to open space and preservation programs.

Chairman Atkinson announced that the project recommendations from the Green Acres program for State Acquisition and Blue Acres Acquisition which scheduled for this meeting, and which were included in the board members' meeting books, had been withdrawn. He announced the Nov. 14 meeting would remain on the schedule for now to accommodate these recommendations.

(The Nov. 14 meeting was subsequently cancelled.)

APPROVAL OF MINUTES OF JUNE 19, 2017, BOARD MEETING

Chairman Atkinson asked if there were any corrections or clarifications to the draft minutes of the meeting. There were a few requested by Ms. Sapp.

Mr. Siegel noted the consideration of these official minutes was a formality because a substantive version of the minutes had been submitted on June 19 and the Governor promptly signed a letter waiving his veto period, in effect approving the minutes immediately on the same day of the meeting.

Moved by Ms. Overdeck
Seconded by Ms. Payne
Approved 7-0

ELECTION OF OFFICERS FOR 2018

Mr. Siegel explained the statutory rotation of chairmanship meant that in 2018, the Governor's appointee was to serve as chair.

Chairman Atkinson nominated Ms. Overdeck as chairwoman for 2018.
Ms. Payne seconded the nomination.

Mr. Siegel conducted a roll call vote.

Approved 7-0 to elect Ms. Overdeck chairwoman for 2018.

(Ms. Overdeck's election would not have taken effect until January so Chairman Atkinson remained chair of the meeting. Ms. Overdeck subsequently resigned as a public board member on Oct. 24.)

Mr. Siegel explained the vice-chairman could be elected from any of the public board members.

Chairman Atkinson nominated Vice-Chairman Romano as vice-chair for 2018.

Ms. Payne seconded the nomination.

Mr. Siegel conducted a roll call vote.

Approved 7-0 to elect Vice-Chairman Romano as vice-chairman for 2018.

(Ms. Overdeck's subsequent resignation submitted Oct. 24 meant 2018 Vice-Chairman-elect Romano moved up to become chairman.)

Mr. Siegel explained the board could elect anyone to serve as Secretary and as Treasurer and could combine the positions. The statute does not require these posts to be held by a voting board member. He explained the posts have been combined since 2004.

Chairman Atkinson nominated Mr. Siegel to combined post of Secretary-Treasurer for 2018.

Ms. Payne seconded the nomination.

Mr. Siegel conducted a roll call vote.

Approved 7-0 to elect Mr. Siegel Secretary-Treasurer for 2018.

APPROVAL OF MEETING DATES FOR 2018

The proposal was to adopt these meeting dates for 2018: Wednesday, May 9; Wednesday, June 13; Wednesday, Sept. 12; and Wednesday, Nov. 14.

Ms. Payne discussed her time frame and said she did not believe they could have appropriations ready for a September meeting. She recommended moving the Sept. 12 meeting to October. Ms. Sapp agreed with the change, noting it would be hard to pin down appropriations plans with a new administration coming in.

Ms. Siegel reviewed the origin of the meeting schedule. He pointed out the board had been scheduling meetings only as needed every year until 2017 because there had been an unexplained, three-month delay in getting the Governor's Office to approve a GSPT meeting in the fall of 2016. He said because of this problem in scheduling a meeting, the board voted to adopt a fixed schedule of meetings in 2017 so meetings could be held without waiting for special permission.

Mr. Siegel said this practice was being repeated in 2018 on the advice of Chairman Atkinson. He pointed out the schedule was flexible Mr. Siegel pointed out that under the GSPT bylaws, Chairwoman-elect Overdeck would have the sole authority to reschedule, postpone or cancel any of these meetings as deemed necessary. He said if any program needed to present a package of recommendations that did not fit with the proposed meeting schedule, Chairwoman-

elect Overdeck could schedule and call for a meeting to be held in addition to the regular schedule.

The proposal schedule was thus amended to these meeting dates for 2018: Wednesday, May 9; Wednesday, June 13; Wednesday, Oct. 10; and Wednesday, Nov. 14.

Moved by Ms. Payne as amended

Seconded by Ms. Sapp

Approved 7-0.

(Ms. Overdeck's subsequent resignation submitted Oct. 24 meant 2018 Vice-Chairman-elect Romano moved up to become chairman. Chairman Romano subsequently adjusted the meeting schedule up by one day to Tuesday, May 8; Tuesday, June 12; Tuesday, Oct. 9; and Tuesday, Nov. 13. This was done to accommodate the schedule of a new board member, Andrew McNally, who was appointed in January 2018 and who had a meeting conflict on every one of those dates.)

EXECUTIVE DIRECTOR'S REPORT

Mr. Siegel explained the Green Acres project recommendations behind Tab 3 and the accompanying resolution 17-010 were withdrawn from the agenda. He reviewed the other book contents with all resolutions in the front but attached to material for the Historic Trust behind Tab 4 and Farmland Preservation behind Tab 5.

Mr. Siegel directed the members attention to the packet of press releases, including one noting that state wildlife refuges have surpassed 350,000 acres preserved, which he said "is just astounding." He said taken together with federal holdings, New Jersey has 430,000 acres preserved in dedicated wildlife refuges, a figure that does not include state parks or municipal and county parks. He said New Jersey's refuge lands encompass 10 times the acreage of Acadia National Park.

Ms. Siegel noted Upper Pittsgrove hit 10,000 in reserved farmland. He said the entire town is 32,000 acres, which means a third of the town is permanently preserved.

Mr. Siegel said he ordinarily selects newspaper clippings which are focused on local stories but in today's package he included prominent stories on the flooding in Houston after Hurricane Harvey. He urged board members to examine these stories because they showed the unexpected and disastrous flooding was aggravated by the lack of open space preservation around Houston resulting in the loss of millions of acres of prairie that is capable of holding water.

Mr. Siegel said all of the project recommendations packages approved by the board last December and on at the June 19 meeting have been enacted into law. He said the Green Acres project packages approved by the board on June 19 were introduced as appropriations legislation that same afternoon and passed by the Senate and Assembly within 10 days, which he said has never happened. He said the Green Acres bills were signed into law July 21.

Mr. Siegel said the New Jersey Historic Trust appropriations bill was signed into law July 13 and the package of Farmland Preservation bills were signed August 7.

EXECUTIVE DIRECTOR’S FISCAL REPORT: HISTORIC PRESERVATION

Mr. Siegel referred board members to a table in the members meeting books from Office of Management and Budget.

FY18 CBT Allocation By Department			
	Allocatio (in thousands)		
	A	B	C (A+B)
Agency	CBT 71% Dedication¹	Diesel Balance²	Grand Total, CBT Resources³
Environmental Protection (64%)			
Open Space (60%)	29,722	3,910	33,632
Acquisition	11,274	1,075	12,349
Development	-	1,075	1,075
Loans and Grants - Locals	15,579	1,486	17,065
Grants - Non-profits	2,869	274	3,143
Blue Acres (4%)	2,734	260	2,994
Total, Environmental Protection	32,456	4,170	36,626
Agriculture (31%)			
Farmland Preservation	20,546	1,959	22,505
Stewardship	14	683	697
Total, Agriculture	20,560	2,642	23,202
Community Affairs (5%)			
Historic Preservation	8,116	2,974	11,090
Grand Total	\$ 61,132	\$ 9,786	\$ 70,918

Mr. Siegel said he was not in a position to verify, affirm or otherwise comment on the OMB calculation of funds available. He said, “I do not have a breakout of where these funds come from.” He said the GSPT at this point is again unable to carry out its traditional role of providing board members with independent verification of whether these funding levels are correct or appropriate.

Mr. Siegel said this is the second year in which OMB has failed to provide a complete picture of income, expenditures and balances in the Preserve New Jersey funds. He said in 2016 this issue was ignored because everyone was pleased after such a long wait just to see the deployment of funds from the November 2014 voter referendum. However, he said, this is the second year in which GSPT has been denied the information necessary to evaluate how much funding was available and to set out strategic spending plans.

Mr. Siegel said some funds from Fiscal Year 2017 that had been held back in “reserve” were now supposed to be added to the current appropriations. He said CBT collections came in below what had been expected in Fiscal year 2017. He said this was not necessarily a measure of declining economic activity but was more likely the result of technical changes that may have caused partnerships and dividend-sharing “S-type” corporations to shift some of their disbursements from corporation income to personal income.

Mr. Siegel said the Historic Trust had \$11 million available. He said the Historic Trust was recommending an appropriations package of \$4.99 million, making use of CBT funds from FY16 and FY17 and the Diesel Risk Mitigation Fund. He said the recommendation did not touch any of their funds available for FY2018.

Historic Trust FY2018 Recommendations SUMMARY

	<u>Recommendation</u>	<u>FY2018 CBT Funds</u>	<u>FY2017/FY2016 Surplus CBT Funds</u>	<u>FY2018 Diesel RM Funds</u>	<u>Total Available</u>
Capital Level I Grants	\$2,363,777				
Capital Level II Grants	\$2,134,398				
Historic Site Management Grants	\$492,759				
TOTAL	\$4,990,934	\$0	\$2,016,934	\$2,974,000	\$4,990,934
Total Available to NJHT	\$11,090,000	\$2,746,988	\$5,369,012	\$2,974,000	\$11,090,000

PRESENTATION OF HISTORIC PRESERVATION GRANT RECOMMENDATIONS

Chairman Atkinson introduced Ms. Guzzo, who made the presentation in her capacity as Executive Director of the New Jersey Historic Trust.

Ms. Guzzo said the board members of the Historic Trust were “very excited” to be back in the schedule of annual grant rounds. She said the \$5 million in projects being recommended today came from about \$11 million in grant application requests. She said the Historic Trust had announced its plan to disseminate only \$5 million in grants and was being “frugal” with available funds to acclimate everyone, include the grant applicant community, with the notion of a continuous, stable schedule of grant awards.

Ms. Guzzo reviewed 52 projects totaling \$4,990,934. These included:

- 28 Level 1 Capital grants of between \$50,000 and \$150,000, requiring the applicant to provide a \$2-to-\$3 matching grant, which requires a \$33,000 match for every \$50,000 of grant funds.
- Six Level 2 Capital grants of between \$150,001 and \$500,000, requiring the applicant to provide a \$1-to-\$1 matching grant.
- 18 Historic Site Management grants of between \$5,000 and \$50,000, requiring the applicant to provide a \$1-to-\$3 matching grant, which requires a \$16,500 match for every \$50,000 of grant funds.

Ms. Guzzo explained the Historic Trust for much of its tenure has awarded different types of grants in alternating years, and that the staff wants to return to that system. In the past, the standard rotation was to award small Historic Site Management (HSM) grants in one year and then to award the larger Level 1 and Level 2 Capital Grants the following year. She said this

was a logical sequence since many of the HSM grants are for design work to prepare for larger capital projects.

Ms. Guzzo concluded her presentation.

Mr. Siegel noted if the next round of larger capital grants were to be pushed back into Fiscal Year 2020, as planned, then the dedication of CBT funds would increase in accordance with a trigger built into the constitutional dedication.

Ms. Payne asked if the gravestones at the graveyard restoration projects were owned by the churches or by private families. Ms. Guzzo said in the cases of these grant awards the gravestones were owned by the nonprofit organization to which the grant would be awarded.

Ms. Payne asked if the grant for the vintage Coast Guard motor lifeboat was a precedent. Ms. Guzzo said that grants had been awarded for the rehabilitation of the schooner A.J. Meerwald, New Jersey's official tall ship. Ms. Siegel followed up the lifeboat question by asking about the public access requirement. Ms. Guzzo said, "They are going to have to work on that." She said the plan was for it to be a working boat with public access to take rides.

Ms. Siegel asked if the grants for the Rutherford and Passaic County monuments were a first. Ms. Guzzo said they were not. She said there have been few grants to public monuments because agencies are reluctant to adopt them and take responsibility for their upkeep. She noted monuments have been in the news lately and she hoped these are OK, to which Mr. Siegel added he was pretty sure none of the men depicted on them were Confederate generals.

RESOLUTION #17-011 TO APPROVE NEW JERSEY HISTORIC TRUST RECOMMENDATIONS FOR CAPITAL PROJECTS FOR FY2018 FROM THE DIESEL RISK MITIGATION FUND AND FROM THE PRESERVE NEW JERSEY (CBT) HISTORIC PRESERVATION FUND.

Mr. Siegel pointed out to the members the location of the resolution and the supporting material in the Meeting Books. He said the supporting material was "very much" a part of the resolution.

Moved by Ms. Sapp

Seconded by Ms. Overdeck

Approved 6-0

Ms. Guzzo passed on her turn to vote and then abstained.

SIDE NOTE (NOT PART OF THE SUBSTANTIVE MINUTES): This resolution approves the appropriation of \$4,990,934 from FY2017 CBT funds and from Diesel Risk Mitigation (DRM) funds for Historic Preservation grants to nonprofits and local governments. The \$2.75 million available from FY2018 CBT Funds for historic preservation were not appropriated because leftover funds and DRM Funds were sufficient to cover the immediate recommendation.

The Grants package breaks down as follows:

- **\$2.36 million for Level 1 capital grants of up to \$150,000**
- **\$2.13 million for Level 2 capital grants of up to \$500,000**
- **\$492,759 for Historic Site Management grants of up to \$50,000**

EXECUTIVE DIRECTOR’S FISCAL REPORT: FARMLAND PRESERVATION

Mr. Siegel said he had nothing to add from his earlier Fiscal Report concerning the availability of CBT funds. He explained there were three Resolutions to provide separate votes for the separate grant programs and for the various funding sources.

Farmland Preservation FY2018 Summary							
State Agriculture Development Committee							
	Total	--- New Revenue Funds ---		--- Unallocated Money from Old Bond Funds ---			
		FY2017/FY18 CBT Funds	FY2018 Diesel RM Funds	2009 Farmland Bond Fund	2007 Farmland Bond Fund	GSPT Farmland Preservation Fund	1995 Bond Funds
State Acquisition	\$15,470,085	\$20,560,000	\$2,642,000	\$772,768	\$3,082,636	\$1,551,434	\$395,209
County PIG Grants	\$7,500,000						
Municipal PIG Grants	\$500,000						
Nonprofit Grants	\$1,737,902						
Stewardship Grants	\$696,060						
Total Recommendation	\$25,904,047						
<i>Administration</i>	<i>\$3,100,000</i>						
Total Available	\$29,004,047	\$20,560,000	\$2,642,000	\$772,768	\$3,082,636	\$1,551,434	\$395,209

PRESENTATION OF FARMLAND PRESERVATION GRANT RECOMMENDATIONS

Mr. Siegel introduced Ms. Payne, who made the presentation in her capacity as Executive Director of the State Agriculture Development Committee, which operates the Farmland Preservation program. She introduced Chief of Acquisitions Heidi Winzinger.

Ms. Payne said Ms. Winzinger has been instrumental in the SADC’s four-year project to implement electronic records and “E-Farm” online application procedures. “The whole thing is going to happen digitally, with connected emails and the whole thing,” she said. She said 500 boxes of papers with real-estate acquisition records are being scanned and reduced to electronic form.

Ms. Payne said the program has surpassed 2,500 farms preserved, second only to Pennsylvania as the highest number of farms preserved, saving more than 250,000 acres at an investment of more than \$1 billion. She mentioned the 10,000-acre milestone in Upper Pittsgrove. She said Mayor Jack Cimprich is an example of how one individual who is pushing the program and talking to landowners can make a real difference.

Concerning the recommendations, Ms. Payne echoed Ms. Guzzo’s opinion on the need to fund certain programs in alternating years as recognition of the limitation of available funds. She said this year’s recommendation would focus on the State Direct acquisitions with no new funding for most elements of the County Easement Purchase and Municipal Planning Incentive Grant programs.

Ms. Payne said there would be no new planning incentive grants the counties since the FY2017 appropriation, which included \$12.5 million in county grants, had just been signed in August. She said the FY2017 appropriation included a \$20 million Competitive Grant Fund,

which counties could dip into once they have used their base grants. She said the recommendation today was to add \$7.5 million to the Competitive Grant Fund with a cap of \$2 million on the maximum that any one county could draw from this \$7.5 million.

Ms. Payne said there were no recommendations for added funding for the Municipal Planning Incentive Grant (PIG) except for one grant of \$500,000 for Mannington, which has just recently received approval for its municipal PIG plan. She said this is a standard grant amount for a new PIG municipality.

Ms. Payne said the program pays to preserve many landscape and vista projects but also some small, intensive farms with deep roots in their communities.

Ms. Payne said there were six nonprofit project recommendations for \$1.7 million.

Ms. Payne said the State Acquisitions program, which would receive the bulk of the funding in the present recommendations, is the program in which her staff is concentrating on developing funding partnerships with other agencies. She said \$3 million would be set aside specifically for projects with multiple funding partners.

Ms. Payne discussed the stewardship grants for deer fencing, a crucial and popular program. She said under grants that have been awarded there would be 35 miles of fencing to protect 1,700 acres of farmland. She said SADC has been working with local agencies and DEP to pursue

RESOLUTION #17-012 TO APPROVE SADC RECOMMENDATIONS FOR STATE ACQUISITIONS AND FARMLAND STEWARDSHIP GRANTS FOR FY2018 FROM THE PRESERVE NEW JERSEY (CBT) FARMLAND PRESERVATION FUND AND THE DIESEL RISK MITIGATION FUND.

Mr. Siegel reiterated there were separate resolutions for separate funding sources.

Ms. Payne said she would be voting as the representative of Secretary Fisher.

Moved by Ms. Sapp

Seconded by Mr. Spinelli

Approved 7-0

SIDE NOTE (NOT PART OF THE SUBSTANTIVE MINUTES): This resolution approves the appropriation of \$16.17 million from FY2018 CBT funds and Diesel Risk Mitigation funds for Farmland Preservation grants to the State Agriculture Development Committee.

The Grants break down as follows:

- **\$15.47 million for State Direct acquisitions**
- **\$696,060 for Stewardship Grants for Soil-&-Water projects or deer fencing**

RESOLUTION #17-013 TO APPROVE SADC RECOMMENDATIONS FOR STATE ACQUISITIONS AND FARMLAND STEWARDSHIP GRANTS FOR FY2018 FROM THE GARDEN STATE FARMLAND PRESERVATION BOND FUND AND FROM OLDER BOND FUNDS.

Mr. Siegel said this resolution made use of remaining money from old bond funds, including the Garden State Farmland Preservation Trust Fund.

Moved by Ms. Sapp

Seconded by Ms. Overdeck

Approved 7-0

SIDE NOTE (NOT PART OF THE SUBSTANTIVE MINUTES): This resolution approves the appropriation of \$16.17 million from old bond funds, using money left over in these funds that has not been appropriated or encumbered, for Farmland Preservation grants to the State Agriculture Development Committee. It DOES NOT repeat or double the funding in Resolution #17-012. It is a companion resolution to give the SADC staff the flexibility to draw the same \$16.17 million from either the CBT fund or the old bond funds, which date from 1995 to 2007.

RESOLUTION #17-014 OF THE GARDEN STATE PRESERVATION TRUST TO APPROVE SADC RECOMMENDATIONS FOR THE COUNTY PIG COMPETITIVE GRANT FUND, NONPROFIT GRANTS AND A MUNICIPAL PIG AWARD FOR MANNINGTON, SALEM COUNTY, FROM THE PRESERVE NEW JERSEY (CBT) FARMLAND PRESERVATION FUND AND THE DIESEL RISK MITIGATION FUND.

Mr. Siegel explained Chairman Atkinson had announced his intention to recuse on this measure and so would not be involved in any deliberations or discussion. With Vice-Chairman Romano absent, Mr. Siegel as Secretary/Treasurer took over the position of the chair.

Moved by Ms. Sapp

Seconded by Mr. Spinelli

Approved 6-0

Chairman Atkinson recused from the vote because he works in the Gloucester County preservation office and the county could receive funds from the County PIG grant.

Ms. Payne publicly thanked the Office of Management and Budget for their assistance in identifying unexpended funds left over in old bond accounts. She said they have been helpful and very responsive. She thanked them for their work in making these funds available.

SIDE NOTE (NOT PART OF THE SUBSTANTIVE MINUTES): This resolution approves the appropriation of \$9.74 million from FY2018 CBT funds and from Diesel Risk Mitigation funds for Farmland Preservation grants to counties and to nonprofit land trusts with an initial PIG award to one municipality, Mannington, which has had its Planning Incentive Grant (PIG) status only recently approved.

The Grants break down as follows:

- **\$7.5 million for the County PIG competitive grant fund**
- **\$1.74 million for four nonprofit grants**
- **\$500,000 for an initial PIG award to Mannington**

EXECUTIVE DIRECTOR'S REPORT: GRIEPENBURG CASE

Mr. Siegel said he was directed by former Chairman Greg Romano last year to research this Supreme Court case and to report back to the board.

Mr. Siegel said he believed the case was important and would a Supreme Court landmark but "it really did not get much attention." It was a 6-0 ruling. He applied the analogy that if a bear hands down a court ruling in the woods and no one is there to receive it, has a ruling really been made? He also said had concerns he was misunderstanding the case.

Mr. Siegel discussed the Ocean County municipality of Ocean Township with a bay shore village and population center known as Waretown. He said the whole municipality has about 8,300 people living in 20 square miles dominated by the Pinelands National Reserve and coastal areas that come under the regulations of the Coastal Area Facility Review Act (CAFRA). He said the municipality technically is 32 square miles but 11 of those square miles are the waters of Barnegat Bay.

Mr. Siegel said Ocean Township officials became alarmed at the threat of sprawl development when the Garden State Parkway opened Exit 69 near Waretown in the early 1990s. The Ocean Township Committee revised the town's land-use plans to focus commercial development into the Waretown area. In 2005, the Ocean Township Committee applied to the State Planning Commission for "Plan Endorsement" status under the New Jersey "State Plan," which is intended to foster smart growth by aligning development with existing or planned infrastructure. This new land-use plan included a new zone to designate a coastal woodland tract between the Parkway and the bay shore as an "EC-Environmental Conservation" district with extremely restrictive one-unit-per-20-acres zoning.

Mr. Siegel said the Griepenburgs in 1985 purchased a single-family house on two acres along Wells Mills Road in Ocean Township. They began purchasing the open woodland lots around them and by 2006 they owned 34 acres on five lots. He said the Griepenburgs filed a lawsuit challenging the legality of the zoning law. A Superior Court judge ruled in favor of Ocean Township, saying the zoning ordinance was passed correctly. The appellate division reversed the lower court and ruled in favor of the Griepenburgs. The appellate judges concluded the Ocean Township Committee in creating the Environmental Conservation district failed to document the existence of wetlands, floodplains, endangered species or anything else representing an environmental asset that required preservation action.

Mr. Siegel said the Ocean Township Committee appealed the ruling to the state Supreme Court and it accepted the case, which attracted a lot of attention. He said the New Jersey Builders Association and the Pacific Legal Foundation, a property-rights group based in California, filed an opinion in the New Jersey case, arguing that Ocean Township zoning illegally shifted the cost of open space preservation onto the Griepenburgs.

Mr. Siegel said Justice Jaynee LaVecchia issued a unanimous decision in January 2015 in favor of Ocean Township and reversing the appellate court. He said the core of LaVecchia's opinion was to uphold the use of an Environmental Conservation district as part of a comprehensive, balanced zoning law that planned for growth in designated areas, in this case Waretown.

Mr. Siegel said LaVecchia in the last paragraphs of her opinion added technical legal points by concluding the Griepenburgs had failed to seek administrative remedies before filing their lawsuit. She said they could have sought a variance from the restrictive zoning and they could have pursued a reverse condemnation to have a court order compensation. Mr. Siegel said these technical points left the true conclusion of the case a bit uncertain. He said, "I've got a

feeling a lot of lawyers looked at that and said, ‘Oh, the Griepenburgs have other ways to resolve their problems.’”

Mr. Siegel said during his research he interviewed Ocean Township’s municipal attorney, Gregory McGuckin, who argued case at the Supreme Court. Mr. McGuckin told Mr. Siegel the Griepenburgs have filed no such applications or motions in the past three years. Mr. Siegel said the Griepenburgs’ original lawyer in the case no longer represents them.

Mr. Siegel said he asked Mr. McGuckin in an interview why the case did not make more of a splash. Mr. McGuckin replied the case only applied to those few municipalities that had completed the Plan Endorsement process. There are 565 municipalities but only about 50 have received some form of Plan Endorsement. Of those, Mr. Siegel said he does not know how many – if any – used the controversial EC district zoning that Ocean Township did.

Mr. McGuckin also told Mr. Siegel the Ocean Township Committee has a low opinion of the costly Plan Endorsement process because it failed to streamline state agency approvals for commercial development around Waretown center.

Mr. Siegel said if officials in rural municipalities and in communities which place a priority on land preservation knew about Environmental Conservation districts, it might supercharge the Plan Endorsement process. He said it appeared most communities seek Plan Endorsement to streamline approvals for high-density development, not because they want preservation.

Mr. Siegel asked for direction from the board concerning the possible creation of a training program to educate preservation agencies and municipal officials about the Griepenburg case and the option of using innovative zoning of which they may not be aware. He said he has always tried to promote the concept that land acquisition was only one tool in a preservation strategy in which proper zoning must be another tool.

Mr. Spinelli disagreed with Mr. McGuckin concerning a lack of cooperation from state agencies once Plan Endorsement had been achieved in Ocean Township. But Mr. Spinelli said he agreed with Mr. McGuckin that Griepenburg may only apply to Plan Endorsement communities.

Mr. Spinelli said the EC district zone amounted to a transfer of development rights (TDR), focusing higher density into a “receiving” area while preserving open areas from development. Mr. Siegel said he understood the comparison except that the Griepenburgs did not get any compensation.

Ms. Payne said she did not believe Agriculture Secretary Fisher would agree with the idea of going around the state “training municipalities on how to down-zone and reduce peoples’ property values.” She said any sort of training would need to cover the broad variety of planning tools such as purchase, non-contiguous clustering and TDR.

Mr. Spinelli said EC districts were a perfect case scenario for the use of the non-contiguous cluster. He said land acquisitions are an important component of any comprehensive plan that will include areas of preservation but the money is never going to be enough and the personnel will never be enough to accomplish every transaction that you need to. He said we need to take advantage of any other planning tools that are at our disposal.

Chairman Atkinson said he agreed it was a good idea to implement a broader training program based on Griepenburg but with myriad planning ideas.

Mr. Siegel said he was thinking only about an education program about this specific Supreme Court case but that members seem to want something broader. Referring to Ms. Payne's precaution against "training how to down-zone," Mr. Siegel said he did to have anything like that in mind. He said he would consult with board members individually on program development and would not begin any public activity without bringing it before the full board.

BOARD MEMBER COMMENT

Chairman Atkinson inquired if any board members had additional comments or wished to discuss any new matters. There were none.

PUBLIC COMMENT

Chairman Atkinson asked if there were any public members present who wished to make a comment. There were none.

ADJOURNMENT

Chairman Atkinson asked to adjourn the meeting.

Moved by Ms. Payne

Seconded by Ms. Overdeck

Approved by voice vote 7-0.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'R. Siegel', written in a cursive style.

Ralph Siegel
executive director/board secretary
June 12, 2018

Others in attendance representing agencies:

Carrie Anne-Calvo of OLS, SADC staff members Heidi Winzinger and Kendra Hall-Perkins