

Disclaimer

These minutes reflect the actions taken by the Commission during its May 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 May 26, 2016.

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

MINUTES

**May 12, 2016**

Commissioners Present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Joe DiBello, Paul E. Galletta, Jane Jannarone, Mark Lohbauer, Ed McGlinchey, Richard Prickett and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Chris Howard and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Candace Ashmun, Bill Brown, Ed Lloyd, Gary Quinn and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 6:05 p.m.

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners present.)

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

### Minutes

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

The minutes of the April 8, 2016 Commission meeting were adopted by a vote of 10 to 0.

### Other

Chairman Earlen announced that Melody Wood, the Commission's receptionist of 26 years is retiring at the end of the month. Commissioners took a moment to wish her well and describe their interactions with Melody over the years.

### Committee Chairs' Reports

Commissioner McGlinchey provided an update on the April 22, 2016 Agriculture Committee meeting. The Committee:

- Adopted the minutes of the July 31, 2015 Committee meeting;
- Received an update on the legislation defining field sports as a low intensity recreational use in the Agricultural Production Area and the Tuckahoe Turf soccer applications in Hammonton and Waterford. Comprehensive Management Plan (CMP) amendments to address this legislation may be included in a package of rules that will be presented to the Policy & Implementation Committee later this year;
- Reviewed the status of the Pinelands Development Credit (PDC) program and supported various initiatives to enhance the program. Staff is drafting rules that will be presented to the P&I Committee. Representatives of the Department of Agriculture and New Jersey Farm Bureau spoke in support of the enhancement measures; and
- Concurred that it is not interested in pursuing a pilot program for special events and expanded economic opportunities on agricultural lands. There may be a number of issues the Committee will discuss further and perhaps address through CMP amendments. The Committee also expressed an interest in discussing how recent legislation permitting rural microenterprises on preserved farms might apply in the Pinelands

Chairman Earlen said the Personnel and Budget Committee will hold a meeting on May 24<sup>th</sup>.

Executive Director's Reports

Ms. Wittenberg introduced Chris Howard, the new representative from the Governor's Authorities Unit.

Ms. Wittenberg provided an update on Wharton State Forest:

She said the Commission along with the Pinelands Preservation Alliance and Commissioner Prickett, have collectively identified about 290 locations that have either suffered Off-Road Vehicle (ORV) damage or have been identified as areas where ORV users should be restricted. She said the New Jersey Department of Environmental Protection (NJDEP) has its own list of sites. She said staff will begin to inventory the locations and confirm that the sites meet the CMP criteria to be protected. In addition, the sites will need to be evaluated to ensure that recreational access has not been restricted. She said the NJDEP has been placing various road closure signs at Wharton and the park police continue enforcement.

Commissioner Galletta said he was pleased with the progress the NJDEP has made at Wharton. However, he feels that if an individual commits an egregious act, the vehicle should be impounded and sold.

Commissioner Avery noted the article in the press clips this month that highlighted efforts between local police departments in southern Ocean County and the state police to combat off-road vehicle use on private lands after a number people suffered serious injuries. Commissioner Avery said he received a call from Ocean County Freeholder Joeseeph Vicari after he read the article to inquire if the Pinelands Commission could help with the enforcement of illegal off-road vehicle use. Commissioner Avery advised him that the Commission does not have enforcement authority. Commissioner Avery noted that off-road vehicle use is happening on private lands as well as public lands and, in addition to the destruction of land, serious injuries are also occurring.

Commissioner Prickett said he was interested in the number of injuries caused by off-road vehicle use.

Ms. Wittenberg said NJ Future is holding a Pinelands Green Infrastructure workshop on May 24<sup>th</sup>. Commission staff member Brian Szura will be part of the panel discussion at that workshop.

Mr. Larry Liggett updated the Commission on the following:

- At the next Water Supply Advisory Council meeting, Daniel Van Abs will provide an update on the Water Demand Projections Study (2040 Study).
- Staff recently met with 15 professionals who are experts in the water field to discuss techniques to evaluate future water allocation as it relates to the Kirkwood-Cohansey study.

Mr. Chuck Horner updated the Commission on the following:

- The Commission was recently contacted by a member of the public concerned about the ability for the public to fish on a bridge in Washington Township, Burlington County. In 1991, the Commission approved the replacement of the bridge which included a condition requiring public access for fishing. Mr. Horner noted that there was an editorial about this issue in the paper today. He added that the County and the Township may have felt it was not safe to develop the fishing platform. The Commission is looking into the matter.

Commissioner McGlinchey said it is not the Commission's responsibility to enforce a County approval.

#### Heritage Minerals Settlement Agreement

Ms. Susan Grogan said Manchester Township introduced a redevelopment plan for the Heritage Minerals site at a recent Township Council meeting. The site is in the Pinelands National Reserve and subject to the Coastal Area Facility Review Act (CAFRA).

Ms. Grogan said the Commission, along with the NJDEP and Hovsons, entered into a settlement agreement in 2002. She said the agreement designated a 900-acre development area. The remainder of the site and other Forest Area lands, just over 6,000 acres, were to be permanently preserved by a deed restriction. The agreement permitted the development of 2,450 residential units. In 2005, the Commission adopted amendments to the Comprehensive Management Plan (CMP) that changed management area boundaries on the Land Capability map to implement the agreement.

At this time the deed restriction, has not been executed and the units have not been built. In the last year, Manchester Township has been discussing a new redevelopment plan. The new redevelopment plan permits a 2,000 acre development area and proposes to develop 6,543 units, as well as both commercial and industrial development. She said Manchester Township is aware of the settlement agreement and the Township feels there is no role for the Commission regarding this matter. She said no application has been filed at the NJDEP or the Commission.

Ms. Roth said the settlement agreement was a result of a long standing litigation matter with Hovnanian Industries.

Commissioner Avery said he remembers water supply was an issue for the developer and he was curious what size pipe was recently approved.

DAG Moriarty provided an update on the following pending litigation matters: South Jersey Gas, New Jersey Natural Gas and Tuckahoe Turf Farms.

Ms. Stacey Roth thanked the Commissioners that filed their Financial Disclosure Statements. She said the May 15<sup>th</sup> deadline is approaching.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of the Ocean County Department of Parks and Recreation application to establish a public education center in an existing building.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 2012-0129.001) (See Resolution # PC4-16-17). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Chairman Earlen presented a resolution recommending the establishment of a dog park in the Town of Hammonton.

Commissioner Galletta recused himself and left the dais.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 2015-0016.001 & 2015-0150.001)(See Resolution # PC4-16-18). Commissioner McGlinchey seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Galletta did not participate in the vote.

Public Comment on Agenda Items and Pending Public Development Applications

Marianne Clemente of Barnegat Township, NJ asked about the Kirkwood-Cohansey (KC) study.

Ms. Wittenberg said the study was driven by legislation that directed the Commission to assess the current and future water supply needs of the Pinelands Area, while protecting the aquifer.

Commissioner Prickett added that there are many useful KC study reports on the Commission's website.

Ordinances Not Requiring Commission Action

Chairman Earlen said there were no ordinances reviewed this month.

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

Jason Howell of the Pinelands Preservation Alliance thanked the Commission for its efforts on the Wharton State Forest matter. He said he recently visited ponds that have been unharmed from ORV destruction. He said he could hear the pine barrens tree frogs and the carpenter frogs calling. He recently completed a comparison of healthy ponds and

damaged ponds and said there is a benefit in protecting sites. He supports the creation of a map defining where users are permitted.

Agnes Marsala of Chesterfield Township, NJ, said she was disappointed the Commission approved two pipelines. She said she supports a full Commission vote on such matters.

Kevin Broderick of Chesterfield Township, NJ, said he belongs to the Clementon Gun Club which uses Wharton State Forest land for hunting activities. He asked if a protocol has been developed to review the damaged sites at Wharton.

Ms. Wittenberg said that will be part of the next steps.

Bill Caruso, representing the New Jersey Conference of Mayors, said at the Conference some Pinelands mayors raised concern over their affordable housing requirements. He offered to work with the Commission on this matter. He said he was pleased with the NJDEP's progress at Wharton State Forest to work with interested stakeholders, educate the public, engage volunteer efforts and increase enforcement.

#### Adjournment

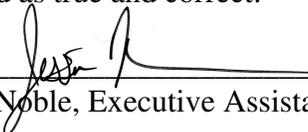
Commissioner Prickett said it is important to find a balance in assessing the damage that has taken place in Wharton State Forest but at the same time not restricting access to the user groups. He also said the 2016 Blueberry Festival at Whitesbog will take place on June 25<sup>th</sup> & 26<sup>th</sup>.

Commissioner Galletta said after hearing about the destruction of the wildfires in Alberta, British Columbia, he would like the Commission to make sure it's doing all it can to keep fires from invading the Pinelands.

Chairman Earlen said he agreed, especially after reading the article in the Rolling Stone magazine, which shed a particularly ugly light on the danger of wildfires in the Pinelands.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 7:19 p.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: May 23, 2016