

Disclaimer

These minutes reflect the actions taken by the Commission during its June 9, 2017 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 June 23, 2017.

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

MINUTES

**June 9, 2017**

Commissioners Present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Jane Jannarone, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Lisa LeBoeuf and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun, Bill Brown, Paul E. Galletta, Ed Lloyd and D'Arcy Rohan Green.

Commissioners Absent

Mark Lohbauer.

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

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners who participated in the meeting.)

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

### Minutes

Chairman Earlen presented the minutes from the May 12, 2017 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Jannarone seconded the motion.

The minutes of the May 12, 2017 Commission meeting were adopted by a vote of 11 to 0, with Commissioner Chila and Chairman Earlen abstaining.

### Committee Chairs' Reports

Commissioner Avery said the FY 15 Audit Report was released and identified two minor findings. He said the Commission has purchased new accounting software from Edmunds, and it will help with bank reconciliations issues. He said Bowman and Company, who serves as the Commission's accounting consultant, will review the financials on a monthly basis.

### Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- A link to the FY 15 Audit Report will be available from the Commission's website.
- The rule proposal the Commission embarked on some time ago regarding changes to the Comprehensive Management Plan consisting of efficiency measures, language clarifying exemptions and fee updates was recently discussed at a meeting with the Governor's office. Once a few modifications are made, the proposal will go through the normal rule making process.
- The FY2018 Budget will be reviewed at the next Personnel and Budget Committee meeting. The Commission's appropriation has remained the same.
- Equipment has been purchased to live-stream Commission meetings from the website or YouTube. The Commission may begin live-streaming meetings in July.

Paul Leakan provided information on two upcoming events:

- The annual Pinelands Municipal Officials Orientation will be held on Tuesday, July 25, 2017 at the Commission.
- The first-ever Pinelands Summer Short Course will be held on July 27, 2017, at Kramer Hall in Hammonton. He said some of the programs being offered are guided tours and hikes.

Director Larry Liggett provided information on the following:

- Staff will be meeting with the New Jersey Department of Environmental Protection (NJDEP) to discuss the draft Water Supply Master Plan.

- Staff will be briefed by Dan Van Abs on the progress of the 2040 water study, more specifically how different households use water –e.g, elderly household, single-parent household.
- A public hearing was held on Ocean County’s amendment to the Public Safety Tower Plan. The amendment will be on the Policy and Implementation Committee’s June 30, 2017 agenda.

Director Charles Horner updated the Commission on the following:

- Staff will be meeting with Mullica Township officials and the current owners of the Sweetwater Casino property to discuss reconstruction of the restaurant.
- Staff continues to work with Burlington County on the Taunton Lakes Road widening project. The County has experienced challenges in addressing stormwater management facilities due to the presence of wetlands. The stormwater rules allow for stormwater management facilities to be built off-site as long they are in the same drainage area. The County has been in contact with Evesham Township about siting a stormwater facility on Indian Springs Golf Course, which is in the same drainage area as Taunton Lakes Road.
- On May 15<sup>th</sup>, staff met with Pemberton Township officials regarding the Township’s plans to develop soccer fields in the municipality. The proposed site is in the Regional Growth Area but has a considerable amount of wetlands. At that meeting, staff assisted the town with determining what portion of the site can be used and still maintain the Commission’s wetlands protection standard.

Paul Leakan noted that in this month’s press release packet there is an article about Jackson Township. He said the article has numerous inaccuracies related to the Commission’s rules and that he reached out to the newspaper’s editor. He also said that the Pinelands Visitor Center permit was submitted and the State has a few questions about the individual capacities of each office, among other things.

Stacey Roth said Assembly Bill 4849 was introduced in late May and came out of Committee on June 5. She said the bill, sponsored by Assemblyman Andrzejcack, clarifies the law concerning circumstances in which members of Pinelands Commission may vote. The accompanying Senate Bill is S3283. The bill redefines the term personal benefit.

Susan Grogan introduced Gina Berg, who was hired as a Resource Planner. She added that the new round of land acquisition from the Pinelands Conservation Fund (PCF) generated eight applications, five of which were from Ocean County and three from other non-profits.

At the request of Commissioner Lloyd, ED Wittenberg provided an update on the efforts regarding Wharton State Forest. She said at the next Policy and Implementation Committee meeting the Committee will discuss a resolution regarding a map identifying existing roads in Wharton State Forest.

Resolution to Retire into Closed Session

DAG Velzy read a resolution to enter into closed session to discuss the New Jersey Natural Gas pipeline. Commissioner Barr made a motion to enter into closed session. Commissioner Chila seconded the motion. Commissioner Lloyd said his law firm is representing the Sierra Club in this matter and would recuse himself from the discussion. He signed off from the telephone conference. The Commission agreed to retire into closed session by a vote of 12 to 0, beginning at 10:03 a.m.

#### Return to Open Session

The Commission entered back into open session at 11:02 a.m.

Chairman Earlen presented a resolution regarding the New Jersey Natural Gas (NJNG) pipeline matter that was discussed in closed session.

DAG Velzy said during Closed Session the Commission discussed the following:

- The history of the NJNG pipeline application;
- The litigation and the order remanding the NJNG application back to the Commission;
- The letter from NJNG requesting the Commission consider its application; and
- The various procedures available to the Commission to consider the NJNG application.

Stacey Roth read the last portion of the Resolution into the record.

Commissioner Barr moved the adoption of a resolution entitled: Setting Forth the Process By Which the Pinelands Commission will Review the Determination of its Executive Director Finding that the Installation of 12.1 miles of 30-inch Natural Gas Pipeline Proposed by New Jersey Natural Gas (Pinelands Application No. 2014-0045.001) is Consistent with the Standards of the Pinelands Comprehensive Management Plan. (See Resolution # PC4-17-10). Commissioner Chila seconded the motion.

Stacey Roth clarified dates outlined in the Resolution for Commissioner Prickett.

The Commission adopted the resolution by a vote of 12 to 0, with Commissioner Lloyd recusing from the vote.

Commissioner Galletta and Commissioner Brown left the meeting.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of the demolition of a commercial building, the placement of two classroom trailers and the demolition of a single family dwelling in Pemberton Township. Commissioner Prickett left the room.

Commissioner Avery moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1984-0606.006, 1985-

0641.012 & 2017-0060.001)(See Resolution # PC4-17-11). Commissioner Barr seconded the motion.

Director Horner noted that the Commission was notified by a staff member that the dwelling proposed to be demolished in Application No. 2017-0060.001 has in fact already been demolished. He said language will be included in a letter to the Township advising that unless the structure was a public safety hazard, the dwelling should not have been demolished without Commission approval.

The Commission adopted the resolution by a vote of 10 to 0 with Commissioner Prickett recusing from the vote.

Commissioner Prickett returned to the dais.

Chairman Earlen presented a resolution recommending the approval of the construction of a storage building by the Folsom Borough Board of Education and a five-lot resubdivision in Egg Harbor Township.

Due to technical difficulties with the phone Commissioner Ashmun and Commissioner Lloyd left the meeting.

Commissioner Avery moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1985-0023.004 & 2001-0297.005)(See Resolution # PC4-17-12). Commissioner Chila seconded the motion.

Commissioner McGlinchey said that he did not support the Egg Harbor Township application because this application is creating a vacant lot that does not meet the residential zoning requirement. He also said public development applications should not be treated differently than private development applications.

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

Chairman Earlen presented a resolution recommending the approval of the expansion of an existing parking lot in Manchester Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1987-1326.002) (See Resolution # PC4-17-13). Commissioner Chila seconded the motion.

Commissioner Prickett noted that this application is to resolve a violation.

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

Chairman Earlen presented a resolution recommending the approval of the demolition of six structures in Winslow Township.

Commissioner Barr moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 2016-0142.001, 2016-0153.001, 2016-0154.001, 2016-0155.001, 2016-0156.001 & 2016-0157.001) (See Resolution # PC4-17-14). Commissioner Jannarone seconded the motion.

Commissioner Prickett said he appreciated the pictures of the structures to be demolished.

Commissioner Jannarone asked if the demolitions were legal and if the property owners provided consent for the demolition.

Mr. Horner said the municipality has a process for siting unsafe structures and notifying the property owner. The Commission's role is to review the application and make sure there is no cultural significance. He said any structure 50 years or older that is proposed for demolition requires an application with the Commission.

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

Commissioner Jannarone left the meeting at 11:30 a.m.

Commissioner Lloyd rejoined the meeting.

#### Public Comment on Public Development Applications and Resolutions where the Record is Not Closed

No comment was provided.

#### Other

Chairman Earlen said the next resolution is something the Commission must adopt annually until the final fiscal year budget is adopted. He said this resolution will allow the Commission to purchase items while waiting for the budget adoption.

Commissioner Avery moved the adoption of a resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2018 at the Same Level of Expenditures as Fiscal Year 2017 until the Adoption of the Fiscal Year 2018 Budgets. Commissioner Chila seconded the motion. (See Resolution # PC4-17-15)

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

#### General Public Comment

Rich Bizub of the Pinelands Preservation Alliance said he was happy the NJDEP released the draft Water Supply Plan. He said it is an improvement from the last plan but he feels the NJDEP should have mentioned the Kirkwood-Cohansey project in the plan.

Mark Demitroff of Richland, NJ said flooding issues are still occurring in Richland Village. He asked to show the Commissioners a one-minute video of the flooding. He also requested that an Engineer be hired to review the stormwater plans. He said the stormwater

management facilities were filled in during the construction of sidewalks and that's why the flooding occurs. Mr. Demitroff provided a handout of an email sent to Director Horner related to Richland Village stormwater basins (See attached).

Chairman Earlen advised Mr. Demitroff that showing a video clip was not possible but asked him to send the video to staff who would then circulate it to Commissioners.

Katie Smith of the Pinelands Preservation Alliance said the process for the New Jersey Natural Gas pipeline should be revised to include a public hearing. In response to a question, Ms. Smith clarified that the revision should include an adjudicatory hearing.

Jason Howell of the Pinelands Preservation Alliance said he had the opportunity to see the film "Pine Barrens" and encouraged Commissioners to see it. He thanked ED Wittenberg and staff for taking a proactive approach with Wharton State Forest. He asked if there was a way the Pinelands Preservation Alliance and the Commission could work together on clean-up projects.

Adjournment

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 11:50 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: June 20, 2017