

Disclaimer

These minutes reflect the actions taken by the Commission during its July 8, 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 July 19, 2016.

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

MINUTES

July 8, 2016

Commissioners Present

Bob Barr, Bill Brown, Giuseppe Chila, 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 participating by phone

Candace Ashmun and D'Arcy Rohan Green

Commissioners Absent

Alan W. Avery Jr., Paul E. Galletta, Joe DiBello, Jane Jannarone, Ed Lloyd and Gary Quinn.

Chairman Earlen called the meeting to order at 9:37 a.m.

DAG Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 9 Commissioners present.)

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

Election of a Vice Chairman

Commissioner McGlinchey recommended that Commissioner Galletta remain Vice-Chairman and Commissioner Brown seconded the motion.

Commissioner Ashmun said that she was nominating Commissioner Barr because it has been past practice for the Commission to always have both a Governor's appointee and a County appointee serving as Chairman and Vice-Chairman. She said currently the Chairman and Vice-Chair are County appointments.

Commissioner Prickett said he supported the importance of precedent and the nomination of Commissioner Barr for Vice-Chairman.

Ms. Wittenberg called a vote and announced that Commissioner Galletta will serve as Vice-Chairman.

Committee Assignments

Chairman Earlen said that Commissioner Prickett and Commissioner McGlinchey will rejoin the Personnel and Budget Committee.

Minutes

Chairman Earlen presented the minutes from the June 10, 2016 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the June 10, 2016 Commission meeting were adopted by a vote of 8 to 0, with Commissioner Rohan Green abstaining.

Committee Chairs' Reports

Chairman Earlen provided an update on the June 24, 2016 Policy & Implementation Committee meeting.

The Committee adopted the minutes of the May 27, 2016 meeting.

The Committee received an update on the 2015 Pinelands Conservation Fund (PCF) projects. Three projects closed, protecting 487 acres at a cost of \$243,500. Two projects were not anticipated to close by the June 30, 2016 deadline, so their allocations will be returned to the Fund. Recommendations for a new acquisition round will be considered at a future meeting.

The Committee reviewed various mapping changes proposed by Pemberton Township and recommended that the Commission certify the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, implementing the Master Plan recommendations.

The Committee received presentations on two Plan Review items, and next month staff is likely to present rule proposals regarding the protection of the Black Run in Evesham Township and revisions to the Comprehensive Management Plan (CMP) sign regulations.

Executive Director's Reports

Ms. Wittenberg provided an update on the following:

- The Science office has provided the Off-Road Vehicle (ORV) damaged GIS point data to two staff members who will be analyzing the points using aerial photography, including categorizing the points as uplands or wetlands and on- or off-road. She said that other relevant categories may be added as the analysis proceeds.
- The Commission recently hired two new employees. Ms. Wittenberg introduced Tony McNichol, who was hired as a cultural resource planner, and Dawn Holgersen, who will serve as an office assistant.

Mr. Larry Liggett updated the Commission on the following:

- The Commission is currently reviewing applications in which the applicants are proposing to close landfills without an impermeable cap. One of the applications involves redevelopment (recreational fields) on the closed landfill. Staff will use the Rapid Landfill Assessment Tool to conclude if there is enough data present or if additional testing will be required to determine the appropriate closure techniques.
- The Commission's cultural resource data including the state and federal sites have been updated to a digital format. The Commission's historic district mapping is also available digitally.
- At the last Policy & Implementation Committee, unbeknownst to staff the New Jersey Builders Association made a presentation about the proposed Pinelands Development Credit (PDC) enhancements. In the coming months there will be more presentations on the PDC program and proposed rules.

Mr. Chuck Horner updated the Commission on the following:

- Staff recently met with the Deputy Mayor of Washington Township to discuss the Lower Bank Bridge public access issue. The Township feels there is insufficient protection from the travel lanes and a barrier could potentially solve the issue. Staff plans to once again discuss the matter with Burlington County since it is a county bridge.
- The New Jersey Permit Extension Act of 2007 which expired as of December 31, 2015, has been retroactively extended from January 1, 2016 through December 31, 2016 for counties impacted by Superstorm Sandy.

Mr. Paul Leakan updated the Commission on education-related efforts:

- Commission staff member Joel Mott spent a day at the Lakewood middle school educating students who won NJDEP's 2016 Barnegat Bay Blitz Rain Barrel Challenge where he delivered six 45-minute presentations. Mr. Mott also spent the

day at the Whitesbog Blueberry Festival providing visitors with Pinelands related information.

- The 2016 Pinelands Orientation for Newly Elected Officials will be held on July 28th at the Commission's headquarters.
- The Burlington County College, now known as Rowan College at Burlington County, donated items from their Pinelands collection to the Commission. He displayed a split oak basket, a cranberry scoop and photos of various glass items. Many of the articles of glass are reproductions produced by the Clevenger Brothers. The donations will be displayed in the interpretive center.
- A kick-off meeting for the interpretive center will be scheduled once the contract for the exhibit installer has been signed. The project is expected to be complete in about 7-8 months.

Public Development Projects and Other Permit Matters

Ms. Wittenberg said an appeal was received for the Waterford Township public development application originally on today's agenda; therefore it will not be voted on at this time.

Chairman Earlen presented a resolution recommending the approval of 10 acres of vegetation removal at the Hammonton Airport.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-3657.020)(See Resolution # PC4-16-21). Commissioner Barr seconded the motion.

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

Municipal Ordinances

Chairman Earlen said the next resolution is for Pemberton Township.

Commissioner Prickett said he would recuse himself from this matter and left the room.

Commissioner Ashmun said she is concerned about the zoning change in the vicinity of Rancocas Creek and potential for development in that area.

Commissioner Lohbauer moved the adoption of a resolution Issuing an Order to Certify Pemberton Township's 2009 Master Plan, 2014 Master Plan Reexamination Report and Ordinances 14-2014, 16-2014 and 20-2015, Amending Chapter 190 (Zoning) of the Code of Pemberton Township (See Resolution # PC4-16-23). Commissioner Brown seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

Kevin Becica, Camden County Engineer, provided information about Application #2015-0066.001/ Sicklerville Road bridge. She said County plans to install re-enforcement underneath the bridge foundation to comply with the Department of Transportation (DOT) structural bridge requirements for a Priority 1 bridge repair. Ms. Becica said DEP permits have been obtained. She described the area of disturbance for the project.

Richard Perniciaro, VP of Planning and Research at Atlantic Cape Community College, thanked the Commission for review of the College's application for a student center. He said the project is being entirely funded with tax payer money.

Charlotte Connuli of Waterford Township, NJ rose to the podium to provide comment on Waterford's application for a 100 space parking lot (Application # 2003-0319.002). However the public comment period for this application closed. The Commission has yet to vote on the matter because of an appeal that is under review. Ms. Connuli was asked not to speak at this time.

Ordinances Not Requiring Commission Action

There were no Ordinances on this month's agenda.

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

Mark Demitroff of Richland, NJ said he was asking for the advice of the Commission regarding his denied access to the Office of Administrative Law (OAL). He said he has been denied access to OAL three times by Ms. Stacey Roth, and he said that she is not permitted by law to do so. He said his property was trespassed upon. He said he suffered loss of value to his property. He said the Commission changed zoning to allow redevelopment to occur on his property. (See attached handout Mr. Demitroff passed around.)

Chairman Earlen asked for advice from counsel regarding Mr. Demitroff's claims.

DAG Moriarty said that if a member of the public disagrees with a Commission decision there is a right of appeal to the Appellate Division. He added that as long as the member of the public is not considered a third party under the Administrative Procedures Act, recourse could also be sought at OAL. He said the Commission made a determination regarding Mr. Demitroff's appeal requests in consultation with the Attorney General's (AG's) office. He said Ms. Roth appropriately communicated the Commission's determination that Mr. Demitroff lacked standing under the Administrative Procedures Act for an OAL hearing. Finally, DAG Moriarty advised that these determinations are issued by the agency not the AG's office.

Jason Howell of the Pinelands Preservation Alliance provided an update on the off-road vehicle damage he witnessed at Wharton State Forest. He said it is important to know what roads the Park Police are issuing tickets on. He said Park Police need a map designating roads so they can effectively do their job. He said the aerial view of the damage at Wharton is shocking.

Commissioner Lohbauer asked if Mr. Howell could share the aerials.

Mr. Howell said the aerials were recently updated to YouTube and he would send a link to Commissioners.

Temma Fishman of Medford Lakes, NJ said there is a stormwater basin on the corner of Route 70 and Old Marlton Pike in Medford that has become an eyesore and is filled with dark-colored water. She asked if the Commission could find out what has happened and if the problem could be resolved.

Mr. Horner said he will research the basin, which is supposed to be maintained by DOT, and provide an update at the August Commission meeting.

Commissioner McGlinchey said there is draft legislation proposing to strengthen existing stormwater management rules. He said the hope is that the revised rules will help with the ongoing maintenance of basins. He said DOT is still not in compliance with the first round of stormwater rules.

Adjournment

Commissioner Prickett thanked Nancy Wittenberg and Joel Mott for the presentation Mr. Mott delivered at the Whitesbog Blueberry Festival this year. He said the blueberry festival's two-day event drew 7,000 people. He said he is happy to schedule tours of Whitesbog for anyone who has an interest.

Commissioner Barr moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 10:43 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: July 15, 2016