

Disclaimer

These minutes reflect the actions taken by the Commission during its July 11, 2014 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 21, 2014.

PINELANDS COMMISSION MEETING<sup>1</sup>  
Richard J. Sullivan Center  
Terrence D. Moore Conference Room  
15 Springfield Road  
New Lisbon, New Jersey

MINUTES

**July 11, 2014**

Commissioners Present

Bill Brown, Joe DiBello, Sean Earlen, Ed McGlinchey, Robert Jackson, Jane Jannarone, Ed Lloyd, Richard Prickett and Chairman Mark Lohbauer. Also present were Executive Director Wittenberg, Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Candace Ashmun, Alan W. Avery, Jr., Paul E. Galletta, D'Arcy Rohan Green, Gary Quinn and Fran Witt.

Chairman Mark Lohbauer called the meeting to order at 9:43 a.m.

DAG Heinzerling 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.

---

<sup>1</sup> 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.

Chairman Lohbauer said that the annual reorganization is usually done at the July Commission meeting. He said Commissioner Ashmun has requested that the re-org be postponed until the fall to finalize the efforts of the Plan Review Committee.

Chairman Lohbauer asked Commissioners to consider what Committee assignments they would prefer and to contact him with their preference.

#### Election of Vice Chair

Commissioner McGlinchey made a motion to nominate Alan W. Avery Jr. for Vice Chair. Commissioner Earlen seconded the motion. The motion passed by a vote of 9 to 0.

#### Minutes

Chairman Lohbauer presented the minutes from the June 12, 2014 Commission meeting. Commissioner Lloyd moved the adoption of the minutes. Commissioner Prickett seconded the motion.

Commissioner Lloyd requested that on page PC2-47 where Ms. Roth described the soccer activities on the Tuckahoe Turf farm that a sentence be added about the 2,000 cars and 3,000-4,000 people at the fields during the tournaments. Commissioner Prickett agreed with Commissioner Lloyd's request.

The minutes of the July 11, 2014 Commission meeting were adopted by a vote of 8 to 0, with Commissioner Earlen abstaining.

*Note: The June 12, 2014 Commission meeting minutes were updated to accommodate Commissioner Lloyd's suggestion.*

#### Committee Chairs' Reports

Chairman Lohbauer said both the Policy and Implementation Committee meeting and the Personnel and Budget Committee meeting were canceled. The Plan Review meeting originally scheduled for today was also canceled.

#### Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- The Auditors have finished their work at the Commission and are currently finalizing the FY 13 Audit Report.
- She introduced Jessica Lynch, the new Business Services Manager.

Chairman Lohbauer welcomed Ms. Lynch to the Commission.

Mr. Larry Liggett provided an update on the following:

- The Commission provided partial funding for the Cape May County Municipal Utilities Authority (CMCMUA) /Woodbine Leachate feasibility study. After

reviewing the draft report prepared by the CMCMUA consultants, an issue was identified with the potential future sewer line extension. A meeting with the New Jersey Department of Environmental Protection (DEP), the CMCMUA and the Commission has been scheduled for late July.

- New Jersey Future, along with the Pinelands Preservation Alliance, is finalizing a report on the water resources in Pinelands Regional Growth Areas. In that report, a series of recommendations were made to various state entities. The Commission has been doing some of the recommendations for years. The report discusses recharging water, which will take both money and effort to develop. As soon as the report is available, copies will be provided to Commissioners.

Mr. Chuck Horner provided an update on the following:

- Staff continue discussions with Ocean County and DEP regarding the Cedar Bridge Tavern in Barnegat Township. Ocean County has proposed to reuse the site as an interpretive center. A developer's consultant identified a redheaded woodpecker's nest in the middle of an affordable housing project site in Galloway Township. Staff is in discussions with the applicant and the consultant for the project to discuss the future of the development.
- Staff continues to assist Buena Vista Township in resolving past violations in the town.

Ms. Susan R. Grogan provided an update on the following:

- A public meeting was held on Wednesday, July 9 to solicit public input on a proposed plan to amend the Pinelands Conservation Fund (PCF) policies. Although the draft proposed policies were widely distributed, the hearing was not well attended. Once the comments are compiled, a recommendation will be brought to the Policy and Implementation Committee.

Ms. Stacey Roth provided an update on the following:

- The Court denied the Commission's motion to dismiss the South Jersey Gas appeal. The matter is moving forward with briefing of the appeal.
- The Murphy matter, in which the Commission approved a Waiver of Strict Compliance for the development of a single family dwelling in Medford Township, but the Medford Township Zoning Board denied the required setback variance, is pending in Superior Court. The Commission's motion to dismiss the complaint for failure to state a claim has been converted by the Court to a motion for summary judgment. The motion will be heard on July 18.
- An Office of Administrative Law matter is pending, involving the call up of a local resource extraction approval for Peg Leg Webb LLC. The Commission called up the approval, because the proposed resource extraction operation is not a permitted use in a Forest Area.

Commissioner Lloyd requested a copy of the Court Order dismissing the Commission's motion to dismiss the South Jersey Gas appeal.

Commissioner Jackson asked Mr. Liggett if the Woodbine Leachate feasibility study would take into consideration the cost of sewer hookups for the low-income households.

Mr. Liggett said at this time it remains unclear as to what areas will be sewerred. The study will recommend to keep the wastewater within Woodbine or send the wastewater to the treatment plant. All parties are aware of the concern with financial impacts to the Woodbine residents.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval for the construction of a 2,400 square foot athletic weight room building in Monroe Township.

Commissioner McGlinchey moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 2001-0438.005) (See Resolution # PC4-14- 23). Commissioner Earlen seconded the motion.

Commissioner Lloyd asked who currently owns the property.

Mr. Horner said the property is owned by the Monroe Township Board of Education and once the construction of the building is complete, the Board of Education will maintain it.

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

Chairman Lohbauer presented a resolution recommending approval for the development of a road pavement and widening of a portion of County Route 528/527 in Jackson Township.

Commissioner Earlen moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 2011-0049.002) (See Resolution # PC4-14-24). Commissioner McGlinchey seconded the motion.

Commissioner Lloyd asked what the widening of the road would accomplish since the road is to remain at two lanes.

Mr. Horner said both the width of the travel lanes and road shoulder would be increased. He said the widening is for safety purposes.

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

Chairman Lohbauer presented a resolution recommending approval of a waiver for a single family dwelling in Jackson Township.

Commissioner Lloyd moved the adoption of a Resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1999-0082.001) (See Resolution # PC4-14-25). Commissioner Jackson seconded the motion.

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

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comments.

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioner had questions regarding the ordinances not requiring Commission action:

- Barnegat Township Ordinance 2014-10
- Barnegat Township Ordinance 2014-11
- Barnegat Township Ordinance 2014-12
- Lacey Township Ordinance 2014-12
- Monroe Township Ordinance 0:12-2014

No members of the Commission had questions.

Other Resolutions

Ms. Wittenberg described the resolution regarding the annual appropriation from the National Park Service. She said the resolution funds the Commission's economic and environmental monitoring programs. She said this year the Commission received an additional \$13,200, which will fund a review of the monitoring efforts over the past twenty years.

Commissioner Lloyd moved the adoption of a Resolution To Authorize the Executive Director to Modify the Cooperative Agreement with the National Park Service for Pinelands Monitoring (See Resolution # PC4-14-25). Commissioner McGlinchey seconded the motion.

Commissioner Prickett questioned which funds we were actually receiving because the resolution referenced two figures.

Ms. Wittenberg said the Commission would receive \$284,100.

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

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

Bob Filipczak of Linwood, NJ provided a brief history of his education and professional career. He expressed concern over stormwater basins, specifically a basin that was developed and built in conjunction with Exit 44 on the Garden State Parkway. He said the basin was not necessary as there were no drainage concerns in the vicinity of the project. He provided pictures of the construction phases of the basin. He also provided an article to

the Commission “Opinion: Compelling the DEP to think outside the black box” (attached). He said DEP is not helping water quality by clearing land and installing stormwater basins.

Fran Brooks of Tabernacle Township, NJ asked for an update on the Tuckahoe Turf Farm.

Ms. Wittenberg said because of potential litigation surrounding the issue, the Commission cannot discuss the matter in open session.

Ms. Brooks asked if Block 5002, Lot 11 was part of the violation.

Chairman Lohbauer said we don’t have that information in front of us to answer that question.

Ms. Brooks said she reviewed the file and did not see a violation notice.

Ms. Roth said that a violation notice was not issued. She said the Commission rules do not allow us to issues violation notices.

Georgina Shanley of Ocean City, NJ said that based on Mr. Filipczak’s comments, the DEP seems autonomous.

Mr. Horner provided a brief overview of the Commission’s standards as they pertain to other permitting agencies.

Ms. Shanley asked what resource was being mined in Jackson Township.

Mr. Roth said she believed it was sand.

Ms. Shanley asked if mining was permitted in the Pinelands.

Ms. Roth said that in certain management areas, resource extraction is permitted.

Ms. Shanley said the Pinelands needs a paramilitary organization for protection. She said legislation and regulations don’t seem to be working. She said that Upper Township is preparing to approve the transfer of municipal land to South Jersey Gas to allow for the installation of a valve connector station to B.L. England.

#### Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session regarding a litigation matter.

Commissioner Lloyd moved to retire into closed session. Commissioner Earlen seconded the motion. The Commission agreed to retire into closed session by a vote of 9 to 0, beginning at 10:34 a.m.

Return to Open Session

Commissioner Lloyd made a motion to return to open session. Commissioner McGlinchey seconded the motion. The meeting resumed at 10:58 a.m.

Chairman Lohbauer said the Tuckahoe Turf fields were discussed in closed session and no action was taken.

Adjournment

Commissioner McGlinchey suggested creating an Agricultural Committee to discuss agricultural and farming-related topics. He said it would be comprised of Commissioners and the agricultural community would be invited to participate.

Commissioner Prickett suggested that the meetings take place quarterly.

Commissioner McGlinchey said he found it offensive that at the same time the Governor vetoed the Commission's minutes, which authorized raises for the staff, the Governor himself issued raises for his own staff.

Commissioner Prickett said this year's Blueberry Festival at Whitesbog was a success and thanked the Chairman and his wife for attending.

Chairman Lohbauer thanked Commissioner DiBello for his recent assistance regarding several matters. He also thanked Commissioner Prickett for his great work at Whitesbog.

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Jackson seconded the motion. The Commission agreed to adjourn at 11:06 a.m.

Certified as true and correct:

\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: \_\_\_\_\_