

Disclaimer

These minutes reflect the actions taken by the Commission during its September 9, 2015 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 September 24, 2015

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

MINUTES

**September 11, 2015**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Ed Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn, D'Arcy Rohan Green, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Jane Jannarone.

Chairman Lohbauer called the meeting to order at 9:36 a.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 14 Commissioners present.)

Chairman Lohbauer asked everyone to stand and observe a moment of silence on the 14<sup>th</sup> anniversary of the September 11<sup>th</sup> attacks on our nation.

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

### Minutes

Chairman Lohbauer presented the minutes from the August 14, 2015 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the August 14, 2015 Commission meeting were adopted by a vote of 12 to 0, with Commissioner Quinn and Commissioner Rohan Green abstaining.

### Committee Chairs' Reports

Chairman Lohbauer said there were no Committees to report on this month.

Chairman Lohbauer said former Commissioner Bob Hagaman passed away last week. He said Mr. Hagaman served as a gubernatorial appointee on the Pinelands Commission from December 2002 until June 2008. He was a member of the Commission's Personnel and Budget Committee and the Permanent Land Protection Committee.

Mr. Hagaman was the longtime pastor of the Jenkins Chapel in the heart of the Pinelands in Washington Township, Burlington County. He served as the Mayor of Mullica Township for four years, and he was a member of the township's Board of Education and the Weekstown Volunteer Fire Company.

### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- The Auditors have completed their field work and are currently drafting the Audit report at their home office in Trenton. Ms. Wittenberg said staff members had an exit interview with the Audit team prior to their departure.
- A representative from the State Ethics Commission will provide in-person Ethics Training immediately following today's Commission meeting.

Mr. Paul Leakan said the Commission is currently accepting bids in response to a Request for Proposal for the proposed interpretive center in the Richard J. Sullivan Center. He said the Executive Director will make a formal recommendation of a contractor qualified to fabricate and install interpretive exhibits and associated building improvements to the Commission. He said based on the current schedule, the Commission could vote on the recommendation at the January 2016 monthly meeting and the bid could be awarded sometime in February 2016. See attached slides for additional information.

Mr. Larry Liggett updated the Commission on the following:

- New Jersey Future has received a grant to research green infrastructure. Staff from the Pinelands Commission and the Highlands Council met with NJ Future to offer their perspective.
- Mr. Liggett spoke alongside Pinelands Preservation Alliance Executive Director Carleton Montgomery at a Lead NJ event highlighting 30 years of regional planning in the Pinelands.
- The Commission staff will meet with the New Jersey Builders Association next week to discuss possible enhancements to the Pinelands Development Credit Program.
- Commission staff met with Winslow Township officials to discuss a rezoning proposal. Included in the discussion was the town's sewer system infrastructure and water supply capacities.

Mr. Chuck Horner provided an update on the following:

- Southampton Township officials have contacted staff to once again discuss redeveloping the town's public works yard.
- New Jersey Transit has contacted the Commission about its existing herbiciding Memorandum of Agreement (MOA). The MOA allows New Jersey Transit to treat its vegetative growth in the rail line right-of-way. The vegetation has become resilient to the application of glyphosate. New Jersey Transit is looking to amend the MOA to use an alternate herbicide.
- A meeting is scheduled for early next week with the Burlington County Engineering Department to discuss the widening of Taunton Lakes Road in Evesham Township. The road is a narrow two-lane county road that is almost entirely in wetlands. Mr. Horner said there was an issue as to where to place a stormwater basin. He said he believes a solution has been identified and will be further discussed at the upcoming meeting.

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

- The Pinelands Development Credit (PDC) Bank Fiscal 2015 Annual Report was issued at the end of August and has been distributed to Commissioners. The report is also available on the website:  
<http://www.state.nj.us/pinelands/pdcbank/reports/2015%20PDC%20Bank%20Annual%20Report%20Web%20Version.pdf>
- The PDC Bank Board held a meeting on September 8 to re-adopt its regulations, which expire every seven years.
- The Permanently Protected Lands map has been distributed. Ms. Grogan said she will provide an update on the Commission's land preservation efforts later in the meeting.

The Commissioners discussed the process used for the South Jersey Gas application. Issues discussed included whether a public hearing should be held by the Commission and whether a final decision should be rendered by the Commission. The discussion also included whether such a decision process was provided for in the Comprehensive

Management Plan (CMP). Staff explained the CMP provisions relevant to the Commission's review of an approval issued by a local permitting agency and the process when, as in this case, local review is pre-empted by state or federal law.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending the approval of five public development applications.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1991-0836.068, 1995-1213.010, 2001-0604.003, 2003-0032.002 & 2003-0403.003)(See Resolution # PC4-15-22). Commissioner Barr seconded the motion.

Commissioner Prickett asked if the applicant for the Lakehurst Solar proposal is required to provide an update on the population of Sickle-leaved golden aster plants.

Mr. Horner said no. However, he said he could request in the cover letter that the Joint Base provide an update each year on the status of the local population of Sickle-leaved golden aster in the immediate vicinity of the proposed solar facility.

Commissioner Galletta and Commissioner Barr agreed to that request.

The Commission adopted the resolution by a vote of 14 to 0.

Chairman Lohbauer said the next resolution is for the construction of a communications facility in Manchester Township.

Commissioner Prickett moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-2731.010) (See Resolution # PC4-15-23). Commissioner Brown seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Chairman Lohbauer said the next resolution is for the demolition of two structures greater than 50 years old.

Commissioner Barr moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-2906.009) (See Resolution # PC4-15-24). Commissioner Rohan Green seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0, with Commissioner Galletta not participating in the vote.

Chairman Lohbauer said the following application is for the development of a 16 stall paved parking lot at an existing elementary school in Manchester Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1987-0172.003) (See Resolution # PC4-15-25). Commissioner Lloyd seconded the motion.

Commissioner Prickett asked if the parking lot had already been constructed.

Mr. Horner said the parking lot was previously constructed. He said this application will resolve that violation. In addition, the applicant proposes to pave the parking area.

The Commission adopted the resolution by a vote of 14 to 0.

Chairman Lohbauer said the next resolution is for waiver to develop a single-family dwelling in Stafford Township.

Commissioner Lloyd moved the adoption of a resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2009-0038.001) (See Resolution # PC4-15-26). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

#### Other Resolutions

Chairman Lohbauer presented the resolution to modify the Cooperative Agreement with the National Park Service.

Commissioner Ashmun moved the adoption of a resolution To Authorize the Executive Director to Modify the Cooperative Agreement with the National Park Service for Pinelands Monitoring (Modification 0002 to Cooperative Agreement P13AC00554) (See Resolution # PC4-15-27). Commissioner Lloyd seconded the motion.

Commissioner DiBello rose from the dais and left the room.

The Commission adopted the resolution by a vote of 13 to 0.

Commissioner DiBello returned to the meeting.

#### Public Comment on Agenda Items and Pending Public Development Applications

Ryan Rebozo of the Pinelands Preservation Alliance commented on Application #1982-4156.019 (Double Trouble State Park Forest Stewardship Plan). He said overall he is satisfied with the plan and the proposed practices. He said he has questions about the Atlantic white cedar restoration and the use of aerial herbicides. He said the plan does not specify the type of herbicide. He asked if it was a broad leaf defoliant. He also asked what efforts have been taken to identify and locate threatened and endangered plants in the vicinity of the potential sprayed areas.

Emile DeVito of the New Jersey Conservation Foundation commented on Application #1982-4156.019 (Double Trouble State Park Forest Stewardship Plan). He commended the

Forestry Service for the work they did on the plan. He said it is a very good plan. He said the plan should not target an oak forest for shortleaf pine restoration. He said the restoration does not meet the rules of the CMP (stand conversion). He said oak forests in the Pine Barrens are rare to begin with. He said there has been a loss of oak forests due to development, gypsy moths, illegal logging and harvesting. He said the timing restrictions for work around critical snake habitat is listed in the plan from October 1 through April 30. He said the timing needs to be revised to March 15 through November 1. He said that based on tracking data that he has conducted, snakes are coming out of their dens earlier and hibernating later.

Jeff Tittel of the New Jersey Sierra Club commented on Application #1982-4156.019, (Double Trouble State Park Forest Stewardship Plan). He said aerial herbicide spraying does not make sense because of the potential for chemical drift. He said that the application of herbicide should be more localized rather than broad based.

Michelle Woodruff of Barnegat NJ asked about the determination of the deceleration application on Route 72 (Application #2003-0403.003).

Chairman Lohbauer said that application was approved by the Commission.

#### Ordinances Not Requiring Commission Action

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

- Galloway Township Ordinance 1913-2015
- Manchester Township Ordinance 15-008 & 15-010

No members of the Commission had questions.

#### Presentation: Permanent Land Protection

Ms. Grogan noted that, in the past, the Permanent Land Protection presentation was only presented to the Policy and Implementation Committee. She said this year she thought it would be valuable if the full Commission saw the presentation and positive efforts of the Commission's programs. She reviewed each Commission program that resulted in preserved land in the Pinelands Area in Fiscal Year 2015, including the Pinelands Conservation Fund, the PDC Program, the Limited Practice Use Program, Density Transfer, Clustering, MOA's and the Garden State Parkway (Exit 44). See presentation slides for further information.

Ms. Grogan said that in 2009 the Commission adopted mandatory clustering rules in the Forest and Rural Development Areas, and this is the first time since the rule adoption that the Commission has seen land protected due to the clustering rules.

Ms. Grogan displayed a map that showed the preserved lands in the the Pinelands Area. Link to the

map:[http://www.state.nj.us/pinelands/home/maps/maps/documents/PLP\\_2015\\_ARCHE\\_w\\_hitelogo.pdf](http://www.state.nj.us/pinelands/home/maps/maps/documents/PLP_2015_ARCHE_w_hitelogo.pdf))

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

Ann Kelly of Mount Laurel said that Super Storm Sandy caused many gas leaks throughout New Jersey's barrier islands. She expressed concern over pipelines and said she is a proponent of solar and wind energy.

Micah Rasmussen of Cream Ridge said he is a concerned former employee of New Jersey Natural Gas (NJNG), and he is speaking out about the Southern Reliability Link (SRL). He said he wanted to inform the Commissioners, its Executive Director and staff that the SRL pipeline serves no military purpose. He read emails that were sent between NJNG employees and Joint Base officials that he received through a FOIA (Freedom of Information Act) request. (See attached emails.)

Chairman Lohbauer requested that staff look over the emails and report back to the Commission at the October meeting.

Doug O'Malley, Director of Environment New Jersey, said the Commissioners needs to make the final decision on the South Jersey Gas pipeline application rather than staff. He also said that a public hearing on the pipeline application is essential.

Margit Meissner-Jackson of the Ocean County Sierra Club said that, with rising sea levels, it is not a good idea to repower BL England. She said that it would have only taken another six to eight inches of surging water and Oyster Creek could have turned into the next Fukushima incident. She said natural gas is not clean because it comes from fracking. She said fracking is dirty and destructive to the environment.

Jeff Tittel of the Sierra Club said the public has concerns about the South Jersey Gas pipeline, as do some Commissioners. He said that Sierra Club also has serious concerns about NJNG's proposed pipeline. He suggested creating a moratorium on all pipelines in the Pinelands until the Policy and Implementation Committee can write rules to address them. He said whether you do or don't support the pipeline, it's bad policy.

Bob Filipczak of Linwood NJ said the pipeline does not benefit the Pinelands. Mr. Filipczak also expressed his concerns about the Stormwater Management basins associated with two interchange expansions on the Garden State Parkway.

Chairman Lohbauer advised Mr. Filipczak that he received his email about the stormwater basins and Mr. Horner could answer any questions about the basins.

Marilyn Miller of Toms River, NJ, said she is concerned about the future of the Pinelands and New Jersey. She said businesses see New Jersey as a conduit to transport and export our nation's natural resources.

Marianne Clemente of Barnegat said she was happy to hear Commissioners expressing concern over the next steps of the pipeline matter. She said a decision as controversial as the pipeline should be made by the Commission and not by staff.

Fred Akers of the Great Egg Harbor Watershed Association said he enjoyed the presentation on land preservation. He said off-road motorized vehicles are causing permanent, adverse impacts in Wharton State Forest. He said the New Jersey Division of Parks & Forestry drafted a motorized access plan to gain control of the situation. He said he attended some of the meetings that the Division of Parks & Forestry have presented to local municipalities. He said the plan is getting push back, and it will be interesting to see if the DEP Commissioner will support the motorized access plan.

Adjournment

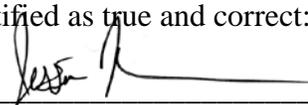
Commissioner Prickett asked if the Commission has the authority to enforce a moratorium on development that is not adequately covered in the CMP.

Commissioner Ashmun said that while the CMP was being developed, there was a moratorium on all development.

Commissioner Avery made a motion to create a resolution to recognize former Commissioner Bob Hagaman. Commissioner McGlinchey seconded the motion. All were in favor of the motion.

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 11:42 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: September 18, 2015