

Disclaimer

These minutes reflect the actions taken by the Commission during its October 12, 2018 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 October 23, 2018.

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

MINUTES

October 12, 2018

Commissioners Present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Paul E. Galletta, Jordan P. Howell, Ed Lloyd, Mark Lohbauer, William Pikolycky, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney Generals (DAG) Kristen Heinzerling and Kristina Miles.

Commissioners Absent

Candace Ashmun, Jane Jannarone and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:36 a.m.

DAG Miles read the Open Public Meetings Act Statement (OPMA).

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners present at the meeting.)

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

Minutes

Chairman Earlen presented the open session minutes from the September 14, 2018 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Avery seconded the motion.

The September 14, 2018 Commission meeting minutes were adopted by a vote of 10 to 0. Commissioner Chila abstained from the vote.

Chairman Earlen presented the closed session minutes from the September 14, 2018 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The September 14, 2018 closed session Commission meeting minutes were adopted by a vote of 9 to 0. Commissioner Chila and Commissioner Howell abstained from the vote.

Committee Chairs' Reports

Chairman Earlen provided an update on the September 28, 2018 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the August 24, 2018 meeting.

The Committee recommended certification of the following documents:

Galloway Township's Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018; and

Pemberton Township Ordinance 13-2018, adopting amendments to the Browns Mills Town Center Redevelopment Plan.

The Committee recommended that the Commission deem eligible an application for the Limited Practical Use (LPU) program for a 4.15 acre parcel in the Pinelands Town Area of Galloway Township.

The Committee recommended that the Commission adopt CMP amendments related to the installation deadline for alternate design wastewater treatment systems.

He added that he has been speaking with the Executive Director and he is planning to create a new committee to address topics like alternative energy (solar) and climate change. He said he envisions the Committee partnering with the New Jersey Department of Environmental Protection (NJDEP). He added that he will chair the Committee and there will be two county members and two gubernatorial members from the Commission. He asked for Commissioners to notify him if they are interested in being on the Committee.

Update on Application Number 1990-0868.029

ED Wittenberg said the NJDEP submitted a letter this week withdrawing its application to improve visibility at the Bass River State Forest Fire Tower. She said the letter indicated that the NJDEP remains committed to the project and plans to submit a new application at a later date.

Executive Director's Reports

Director Larry Liggett updated the Commission on the following matters:

- About a year ago, the Mayor of Estell Manor suggested that the Commission amend its rules to permit solar in the Forest Area in lieu of residential development. He said it would be a good topic for the new Committee to address.
- The Cape May County landfill currently transfers its leachate by truck. The Cape May County Municipal Utilities Authority has an interest in piping this leachate to its sewage treatment facility. The leachate line would originate in the Pinelands Area, then go into the Pinelands National Reserve (into Pinelands Management Areas where sewer lines are usually not permitted). The project now has obtained funding and has been forwarded to the NJDEP for review; additional information on this project will be provided as it develops.

Commissioner Galletta said he envisioned the solar facilities to be similar to clustering.

It was noted that New Jersey recently established a Community Solar Energy Pilot Program.

Director Chuck Horner provided information on the following regulatory matters:

- Staff worked extensively with an applicant that proposed to install a solar array accessory to a commercial use. The project will be located in a stormwater basin and cleared area.
- A letter of no further review was issued for a large residential development project in Hamilton Township's Regional Growth Area. The application proposes 35 multi-family buildings, and 45 full Pinelands Development Credits will need to be purchased and redeemed.
- Staff is currently reviewing applications for the demolition and reconstruction of four different single family dwellings. The dwellings date back to the 1700's and may require a cultural resource survey.

Stacey Roth introduced Kristina Miles, who will serve as the Commission's new Deputy Attorney General (DAG).

Paul Leakan provided an update of the Pinelands Exhibit. In the coming weeks the lobby will be painted and a new floor will be installed and then Split Rock can begin the installation of the exhibits. He said the Pinelands Water Monitoring Challenge will take place on Friday, October 26th at Batsto, where 200 students will be attendance.

Commissioner Avery asked if staff knew the total number of affordable housing units assigned to the Pinelands Area.

Chief Planner Susan R. Grogan said she didn't know the exact number but would find out and update the Commission.

Resolution to Retire into Closed Session

DAG Heinzerling read a resolution to enter into closed session to provide attorney-client advice, in addition to a personnel matter.

Commissioner Avery made a motion to enter into closed session. Commissioner Barr seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0, beginning at 9:58 a.m.

Return to Open Session

The Commission entered back into open session at 10:43 a.m.

DAG Heinzerling provided a summary of the closed session.

Stacey Roth, the Ethics Liaison Officer (ELO) for the Commission, said that Commissioner Howell had to recuse himself from the second portion of the closed session because his colleague is involved in the matter.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of a bus garage, office building, warehouse and a leaf composting facility in Manchester Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-2731.011) (See Resolution # PC4-18-31). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending approval of four recreational fields and a parking lot in Monroe Township.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2001-0236.001) (See Resolution # PC4-18-32). Commissioner Chila seconded the motion.

Commissioner Prickett asked how the applicant demonstrated that a 240 foot buffer to wetlands was appropriate. He also asked about the proximity of the proposed dog park to the wetlands.

Director Horner said that there are two options should an applicant wish to reduce the wetlands buffer, so long as there are no significant adverse impacts to the wetlands. The

applicant can either answer a series of nine questions to reduce the buffer or prepare a buffer delineation model. Commission staff reviews the submitted documentation and determines if a buffer reduction is feasible. He said, in this instance, the wetlands buffer is a fallow agricultural field, not a forested area.

Mr. Ernest Deman answered Commissioner Prickett's second question about the dog park. He said the dog park will be located several hundred feet beyond the 240 foot buffer.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending approval of a Waiver of Strict Compliance for the development of a single family dwelling.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1985-0713.002) (See Resolution # PC4-18-33). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Planning Matters

Chairman Earlen presented a resolution recommending Galloway's 2018 Housing Element and Fair Share Plan, and implementing ordinances.

Commissioner Barr moved the adoption of a resolution Issuing an Order to Certify the Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 of Galloway Township (See Resolution # PC4-18-34). Commissioner Galletta seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending certification of Pemberton Township Ordinance 13-2018.

Commissioner Lohbauer said he would be recusing from the vote. He left the dais.

Commissioner Avery moved the adoption of a resolution Issuing an Order to Certify Pemberton Township Ordinance 13-2018, Amending the Browns Mills Town Center Redevelopment Plan (See Resolution # PC4-18-35). Commissioner Lloyd seconded the motion.

Commissioner Prickett said he typically recuses on matters where Pemberton Township is concerned. He said he was advised that since he was not on the Township Committee during the development of the Browns Mills Town Center Redevelopment Plan, he could vote on the matter.

ELO Stacey Roth said Commissioner Lohbauer is recusing from this matter because he worked for a planning firm that was involved in the Browns Mills Town Center Redevelopment Plan.

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

Commissioner Lohbauer returned to the meeting.
Chairman Earlen presented a resolution recommending the acquisition of a 4.15-acre parcel.

Commissioner Lloyd moved the adoption of a resolution Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program (See Resolution # PC4-18-36). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending adoption of CMP Amendments related to the Alternate Design Septic Pilot Program.

Commissioner Avery moved the adoption of a resolution To Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Alternate Design Wastewater Treatment Systems Pilot Program) (See Resolution # PC4-18-37). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Public Comment on Public Development Applications and Items where the record is open
No one from the public spoke.

Ordinances Not Requiring Commission Action

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

- Barnegat Township Ordinance 2018-17
- Buena Borough Planning Board Resolution 2018-16
- Buena Borough Ordinance 670
- Monroe Township Ordinance O:23-2018
- Upper Township 2018 Master Plan Reexamination Report
- Upper Township Housing Plan and Fair Share Plan
- Upper Township Ordinance 011-2018
- Waterford Township Ordinances 2018-23, 2018-24 & 2018-25
- Weymouth Township Ordinance 561-2018
- Winslow Township Ordinance O-2018-018

No members of the Commission had questions.

Permanent Land Protection Presentation

Chief Planner Grogan provided an update on the Fiscal Year 2018 Permanent Land Protection program. She outlined how many acres were protected through each program. See presentation slides for further details (Attached).

General Public Comment

Kathy Gardiner said she is a Volunteer Master Naturalist at Bass River State Forest. She offered to take Commissioners on a guided hike. She left her contact info with the Executive Director.

Riki Losiewicz provided the Commission with a statement on climate change. Attached is a copy of her statement.

Rich Bizub with the Pinelands Preservation Alliance suggested having a member of the public on the new Committee.

Commissioners Lohbauer and Lloyd expressed an interest in being members on the new Committee.

Adjournment

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 11:21 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: October 23, 2018