

Disclaimer

These minutes reflect the actions taken by the Commission during its November 9, 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 November 21, 2018.

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

MINUTES

**November 9, 2018**

Commissioners Present

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

Commissioners Absent

Candace Ashmun, Giuseppe Chila, Gary Quinn and Jane Jannarone.

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 10 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 October 12, 2018 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The October 12, 2018 Commission meeting minutes were adopted by a vote of 9 to 0. Commissioner Rohan Green abstained from the vote.

Chairman Earlen presented the closed session minutes from the October 12, 2018 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The October 12, 2018 closed session Commission meeting minutes were adopted by a vote of 8 to 0. Commissioner Rohan Green and Commissioner Howell abstained from the vote.

#### Committee Chairs' Reports

Chairman Earlen said the October 26, 2018 Policy and Implementation Committee was canceled.

#### Executive Director's Reports

ED Wittenberg said the Audit Committee will meet to discuss the Draft FY 2017 Audit Report immediately following this meeting. She added that she met with Brian Wilton, who now serves as the head of the Governor's Authorities Unit.

Director Chuck Horner provided information on the following regulatory matters:

- A meeting took place with Pemberton Township Officials and an applicant proposing a large residential development off of Lakehurst Road. The Mayor would like the applicant to construct a secondary access road. Staff suggested that the Township undertake a traffic study to determine if the secondary access road is necessary.
- The Commission received a letter from the New Jersey Department of Environmental Protection (NJDEP) formally withdrawing its Bass River Fire Tower application.
- Staff met with the Mayor of Woodland Township and the owner of an existing commercial use to discuss expansion options. The business is located on Route 72 and there are limitations due to the size of the parcel.

Stacey Roth reminded Commissioners that Annual Ethics training must be completed by November 19, 2018.

Paul Leakan said the new floor was installed in the Richard J. Sullivan Center lobby in preparation for the exhibit center. He said a truck delivered the exhibits and the installers from Split Rock arrived that same day and began the installation process. He said 175 students participated in the Pinelands Water Monitoring Challenge. He said the 3<sup>rd</sup> edition of the Pinelands National Reserve calendar will be available for Commissioners at the December Commission meeting and available to the public at state parks.

Commissioner Avery asked about the status of the Heritage Minerals settlement agreement and how it relates to the NJDEP's recent Coastal Area Facility Review Act (CAFRA) permit denial.

Stacey Roth said it is the NJDEP's position that the settlement agreement is no longer valid. She said the applicant reinvigorated the federal suit sometime ago and the matter remained in a holding position due to the CAFRA permit review. Ms. Roth added that she will check with the DAG assigned to the matter and see if anything has changed given the recent appeal of the CARFA denial. Ms. Roth added that although certain requirements of the settlement agreement occurred, the applicant never met the requirement to deed restrict land.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of 300 linear feet of sanitary sewer main in Galloway Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2018-0152.001) (See Resolution # PC4-18-38). Commissioner Barr seconded the motion.

Commissioner Prickett asked about the existing dirt roadway referenced in the report.

Director Horner said that the sanitary sewer main is proposed within the dirt roadway, which is a municipal right of way. He said the sanitary sewer will serve future development.

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

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

Commissioner Lohbauer moved the adoption of a resolution Denying an Application for a Waiver of Strict Compliance (Application Number 2016-0115.001) (See Resolution # PC4-18-39). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 10 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 2018-32
- Medford Township Ordinance 2018-21
- Stafford Township Ordinance 2017-23

No members of the Commission had questions.

General Public Comment

Lee Yeash said she is an avid hiker and spoke about the unique attributes of the Pinelands. She said she feels that Commissioners are not taking Pinelands issues seriously.

Jason Howell of the Pinelands Preservation Alliance said the Commission offers a balance to protecting the Pinelands both economically and ecologically. He said he would like to see the Commission move in a different direction and create a new approach in protecting the Pinelands.

Carl Christianson said he appreciates the Pinelands for its unique ecology. He suggested that the Commission hold its meeting at a time when more people are available to attend. He encouraged Commissioners to uphold the Comprehensive Management Plan and avoid fragmentation of the Pines.

Paula Yudkowitz of Oaklyn, NJ, said she sees the destruction of ORV use to ponds in the Pinelands. She said the Commission's agenda was lacking important subject matters.

Balvir Singh, Burlington County Freeholder, introduced himself to the Commission and said he looks forward to working with the Commission. He said a substantial portion of Burlington County lies within the Pinelands Area and many of his constituents live in the Pinelands. He said he enjoys hiking and camping and wants to protect the uniqueness of the Pinelands.

Roger Schneider of Hainesport, NJ, said the Pinelands is a treasure. He raised concerns about encroachment in the Pinelands.

Hara Rola of Haddon Township said she was disappointed that the Commission has not upheld the CMP. She said the Commission has approved pipelines, taken too long to restrict ORV use and attempted to restrict public comment. She asked Commissioners to protect the Pinelands or step down.

Tosanna Rahner of Pemberton Township said the Commission's meetings are held at an inconvenient time. She said the Commission has not upheld the CMP and she hopes Commissioners will make a better effort at protecting the Pinelands ecosystem.

Rhyan Grech of the Pinelands Preservation Alliance introduced herself to the Commission. She said she looks forward to working with the Commission and protecting the Pinelands.

Resolution to Retire into Closed Session

Stacey Roth read a resolution to enter into closed session to discuss a personnel matter.

Commissioner Lloyd made a motion to enter into closed session. Commissioner Rohan Green seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0, beginning at 10:19 a.m.

Return to Open Session

Commissioner Howell left during the closed session portion of the meeting.

The Commission entered back into open session at 10:59 a.m. Stacey Roth provided a summary of the closed session. She said as a result of the closed session discussion the Commission will act on a resolution.

Commissioner Lohbauer moved the adoption of a resolution for the Executive Director to Revise the FY2019 Operating Budget and enter into a settlement agreement to resolve an employment litigation matter (Resolution # PC4-18-40). Commissioner Avery seconded the motion.

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

Commissioner Lohbauer said he appreciates the comments provided by the public today. He said the Commission is committed to protecting the state's forests from ORV damage.

Commissioner Prickett agreed with the public that the agenda was light. He said the time can be filled with educational presentations, especially on fire ecology.

ED Wittenberg said there was a scheduled presentation today by the Buena Borough Municipal Utilities Authority to highlight the success of the facility that was built and an update on the Memorandum of Agreement. She said unfortunately the presentation had to be postponed. She said there are many topics that the Commission can cover through educational presentations.

Commissioner Avery said that the Commission works on matters at its Committee meetings. He said he appreciates the public's comments and added that this Commission has been doing good work for many years.

Commissioner Lloyd thanked the public for providing comments. He said the Commission has tried a number of times to hold meetings at different times and it has not generated any more public interest than today's meeting.

Adjournment

Commissioner Avery moved to adjourn the meeting. Commissioner Rohan Green seconded the motion. The Commission agreed to adjourn at 11:07 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: November 20, 2018