

Disclaimer

These minutes reflect the actions taken by the Commission during its November 13, 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 November 30, 2015

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

MINUTES

November 13, 2015

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Jane Jannarone, Ed McGlinchey, Richard Prickett, Gary Quinn 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

Ed Lloyd, D'Arcy Rohan Green and Fran Witt.

Chairman Lohbauer called the meeting to order at 9:37 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 12 Commissioners present.)

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

Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the October 9, 2015 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Jannarone seconded the motion.

The open and closed session minutes of the October 9, 2015 Commission meeting were adopted by a vote of 11 to 0, with Commissioner Quinn abstaining.

Employee Recognition

Chairman Lohbauer said Ron Luker is being awarded a certificate for 10 years of dedicated service to the NJ Pinelands Commission. He began his employment on October 3, 2005. Ron is the Maintenance Custodian for the Commission. Ron's custodial duties encompass the entire Pinelands Commission complex, including buildings, grounds and vehicles. Prior to his service at the Pinelands Commission, Ron served in the U.S. Army with tours in Germany and Greece. In addition to spending time with his family and pets, Ron enjoys the outdoors and camping.

Committee Chairs' Reports

MOA *ad hoc* Committee

Commissioner Ashmun provided an update on the October 30, 2015 MOA Committee meeting:

The Committee adopted the minutes from its June 26, 2015 meeting.

The Committee reviewed the revised (*October 19, 2015*) *Process for Considering an Intergovernmental Agreement* and discussed the list of issues revised to date. Following the discussion, Chairperson Ashmun asked that any comments/concerns be emailed to all Committee members and staff in order to develop a final document to be considered by the CMP P&I Committee.

Policy & Implementation Committee

Chairman Lohbauer said that the Audit Committee met in October. He said he anticipates that a final report will be issued in December.

Commissioner McGlinchey said that he could not attend the Audit Committee meeting but he requested a meeting with the members of the Audit Committee and the Executive Director.

Chairman Lohbauer provided an update on the October 30, 2015 P&I Committee meeting:

The Committee adopted the minutes from the July 31, 2015 meeting.

In closed session, the Committee approved \$750,000 in funding for five projects from the 2015 Pinelands Conservation Fund. The projects include two in Ocean County's Forest Area, and one each in the Toms River Corridor, Bear Swamp on Route 206, and a 502-Target Area in Estell Manor. By February 29, 2015, all projects must have completed appraisals, obtained certification of fair market value, and have a signed contract with the landowner and an executed grant agreement. More than 2,600 acres will be preserved if all projects close.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- Staff is scheduled to meet with New Jersey Department of Environmental Protection in December about the Motorized Access Plan at Wharton State Forest. She said staff has been researching language in the CMP that provides the Commission authority over public lands and motor vehicle use. She said staff is also trying to determine which roads were designated in 1980 as a pre-existing use. Ms. Wittenberg offered to arrange a meeting between NJDEP and Commissioners.

Commissioners agreed they would like a meeting scheduled with NJDEP about the Motorized Access Plan.

Mr. Larry Liggett updated the Commission on the following:

- A meeting with the New Jersey Builders Association (NJBA) to review enhancements to the Pinelands Development Credit (PDC) program was held on November 10th. At that meeting members of NJBA were also briefed on the Kirkwood-Cohansey Study. Meetings with other stakeholders will be scheduled in the future.
- Staff presented the next phase of the Kirkwood-Cohansey Study to the Delaware River Basin Commission's Water Management Committee.
- Staff has received inquiries from Jackson Township, Medford Township and Waterford Township about affordable housing obligations.

Mr. Chuck Horner provided an update on the following:

- A hearing has been scheduled for mid-December for the Tuckahoe Turf Farm matter. The Town of Hammonton issued site plan approval and a zoning permit. The zoning permit raises issues because it exceeds the 192 total hours of soccer events/use previously authorized. The Waterford Township approval raises issues because it did not contain conditions as to the number of events permitted. On November 6th, staff met with the applicant's counsel to explain these issues.
- The Stafford Township hearing for the compelling public need waiver for the stormwater basin will be scheduled for sometime in December. The public notice has not been completed. The hearing will take place at the Stafford Township Municipal Building.
- The Mullica Township Mayor has requested a meeting with staff to discuss the redevelopment of the Sweetwater Casino property that was destroyed by fire a number of years ago.

- The New Jersey Natural Gas application remains incomplete. Staff will be issuing a letter requesting additional information.

Commissioner Ashmun requested that she be informed of future stakeholder meetings concerning the PDC program.

Commissioner Avery asked if Jackson Township is considered a certified municipality.

Mr. Liggett said that Jackson Township is not meeting the terms of its certification.

Ms. Wittenberg said that bid proposals for the construction of the interpretive center have been submitted and are under review.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending the approval for the construction of two communication towers in Tabernacle Township.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1984-0781.005) (See Resolution # PC4-15-32). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0. All were in favor.

Public Comment on Agenda Items and Pending Public Development Applications

A conversation ensued about the Upper Township application (1990-0188.005) after a member of the public raised questions.

Mr. Horner said that the salt barn, vehicle wash building and an addition to an existing garage have been built without application to the Commission. He said this application is to resolve the violation and the application would be on next month's agenda.

Bill Wolfe of Bordentown, NJ suggested amending the CMP to gain enforcement authority and to prevent towns from developing without application to the Commission.

Ms. Wittenberg said that rule language was drafted to allow an additional fee for applications submitted to resolve violations, but the rule did not move forward.

Mark Demitroff of Richland said Buena Vista Township developed numerous sites without application to the Commission and he understands the frustration.

Jeff Tittel of the NJ Sierra Club questioned how the South Jersey Gas pipeline application can proceed with violations on the parcel.

Nathalie Niess, of Upper Township questioned how the violations in Upper Township were identified.

Mr. Horner said the violations were discovered when Commission staff reviewed the application for the interconnect station proposed by South Jersey Gas.

Ordinances Not Requiring Commission Action

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

- Hamilton Township Ordinances 1785-2015 and 1799-2015
- Stafford Township Ordinance 2015-12

No members of the Commission had questions.

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

Mark Demitroff raised a number of non-related issues. He provided a handout (attached) containing a photograph of work being done on a railroad that abuts his property. Mr. Demitroff said that the construction equipment is on his property and it's happening because the Commission approved redevelopment in Richland Village. He said that the survey depicted in his handout is portrayed as a 60-foot right-of-way but is actually 130 feet wide. He expressed his frustration that the Commission denied him access to the Office of Administration Law regarding a permitting matter in Richland Village. He also provided documentation from the State Ethics Commission concerning a former Commission employee.

Jeff Tittel, Director of NJ Sierra Club, said the Commission needs to address climate change and greenhouse gases. He suggested doing this by eliminating fossil fuels. He expressed his dismay that a major infrastructure project like the South Jersey Gas pipeline is not getting the public scrutiny it deserves and suggested a moratorium on pipelines.

Chairman Lohbauer said that some Commissioners are interested in addressing climate change.

Bob Filipczak of Linwood, NJ expressed his dismay over the stormwater basins associated with exit 41 on the Garden State Parkway. He expressed frustration with NJDEP.

Bill Wolfe said that DEP's low flow margin will not protect the Pinelands. He requested the Commission put the New Jersey Natural Gas application on hold until staff determines that a military purpose was not fabricated.

Cynthia Hart of Ocean City, NJ read a letter from Dr. Bob Allen into the record. (See attached).

Georgina Shanley of Ocean City, NJ provided a recap of events on the South Jersey Gas application. She said the Upper Township application (#1990-0188.005) should not be approved. She supports a moratorium on pipelines.

Nathalie Neiss said there are other sites that Upper Township owns that can be used for public works facilities. She said she objects to the Certificate of Filing for the South Gas Jersey application.

Micah Rasmussen provided comments on the New Jersey Natural Gas Southern Reliability Link (SRL) application. He said the SRL will be able to provide gas to 1 million homes, however, there are not that many homes in the Pinelands Area. He said Public Service Electric and Gas (PSE&G) currently serve Ft. Dix and Lakehurst. He said the SRL application does not propose to connect to the Joint Base or PSEG systems.

Margit Meissner-Jackson expressed concerns about protecting vegetation, drawing water and digging wells in the Mid-Atlantic, as well as homeland terrorism. She stressed the importance of conserving electricity, and she said that issues such as pipelines need to be addressed at the local level.

Jason Howell, Pinelands Preservation Alliance thanked Commissioners for their attention to the off-road vehicle damage issue.

Marilyn Miller of Toms River, NJ said constructing a pipeline in the vicinity of a bombing range is not a good idea.

Fred Akers provided a CMP handout concerning the original recreation program in the CMP. He is happy to see the Commission engaged in the process with NJDEP to create an Off-Road Motorized Vehicle Plan. (See attached)

Lena Smith of Food and Water Watch provided comments about a recent Chesterfield Township Committee meeting she attended where the New Jersey Natural Gas pipeline was discussed.

Raven Potosky of Manchester Township, NJ said she is opposed to pipelines.

Rich Bizup of the Pinelands Preservation Alliance said he was happy to hear about the Kirkwood-Cohansey initiative. He noted that he supports the methodology that stemmed from the Kirkwood-Cohansey study, which looked at ecology, rather than the low-flow margin methods that looks at stream flow.

Arnold Fishman of Medford Lakes provided comments on the South Jersey Gas application. He asked if there was a document that determined that the application was beneficial to the Pinelands.

Mr. Horner referred Mr. Fishman to the Certificate of Filing issued for the South Jersey Gas application.

Marianne Clemente of Barnegat, NJ said she does not support fracking or pipelines.

George Hay said he does not support the South Jersey Gas pipeline and he suggested a 2-year moratorium on pipelines.

Bob Filipczak said the money to construct the pipeline would be better spent on solar projects.

Closed Session Resolution

DAG Moriarty read a resolution to retire into closed session to discuss pending litigation.

Commissioner McGlinchey moved to retire into closed session. Commissioner Earlen seconded the motion. The Commission agreed to retire into closed session by a vote of 12 to 0, beginning at 11:59 a.m.

Return to Open Session

Commissioner Barr made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 12:38 p.m.

DAG Moriarty said the Commission discussed pending Tuckahoe Turf Farm litigation and pending South Jersey Gas litigation during the closed session.

Adjournment

Commissioner McGlinchey requested that Rob Auermuller be invited to the meeting on the Motorized Access plan.

Commissioner Prickett commended staff for another successful World Water Monitoring Day event at Batsto.

Chairman Lohbauer thanked the members of the public who commented today and requested that in the future public commenters keep their comments to three minutes. He also thanked Pinelands farmers who provide us with cranberries, which he said are a very important part of many family's Thanksgiving meals.

Commissioner Ashmun moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 12:44 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: November 24, 2015