

Disclaimer

These minutes reflect the actions taken by the Commission during its February 8, 2013 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 February 19, 2013.

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

MINUTES

**February 8, 2013**

Commissioners Present

Candace Ashmun by telephone, Bill Brown, Joe DiBello, Sean Earlen, John Haas, Leslie Ficcaglia, Paul E. Galletta, D'Arcy Rohan Green, Robert Jackson, Ed Lloyd, Ed McGlinchey, Richard Prickett and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Gary Quinn and Fran Witt.

Chairman Lohbauer called the meeting to order at 9:35 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.)

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<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.

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

### Minutes

Chairman Lohbauer presented the January 11, 2013 Commission meeting minutes. Commissioner Haas moved the adoption of the minutes. Commissioner Ficaglia seconded the motion.

The minutes of the January 11, 2013 meeting were adopted by a vote of 12 to 0, with Commissioner Rohan Green abstaining.

### Committee Chairs' Reports

#### Plan Review Committee

Chairman Lohbauer updated the Commission on action from the January 11, 2013 Plan Review Committee meeting.

The Committee approved the December 14, 2012 meeting minutes.

Staff reviewed the types of data being requested from the Commission's MIS office for analysis in the Project Review chapter of the Plan Review Report.

Staff indicated that the first-round rule proposal, which will include items intended to increase staff efficiency as well as a necessary update to the alternate design septic system pilot program requirements, is being drafted.

The Committee discussed the remaining topics raised by public commenters.

The next steps:

- Staff will summarize the topics identified for further consideration for the second-round rule proposal.
- Staff will provide a review of the state redevelopment statutes and their conflicts, if any, with the CMP.
- Staff will provide an overview of the Ecological Integrity Assessment (EIA) and how the results may be used.
- The February 8, 2013 Plan Review Committee meeting has been canceled.

Two members of the public spoke.

#### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- A call up hearing was held at the Commission's headquarters for a mining application in Woodland Township.
- Staff met with the New Jersey Builders Association (NJBA). NJBA is very interested in the PDC program and will be meeting with Mr. Liggett as Plan Review continues.
- The Pinelands Municipal Council met on January 29<sup>th</sup> in Manchester, and an update was given by both NJDEP and the Commission on new septic rules and the Commission's alternate technology program. The Council is struggling with attendance issues and has not had a quorum since the July 2012 meeting. Paul Leakan and Ms. Wittenberg will discuss some options to help the Council increase designee turnout.

Mr. Larry Liggett updated the Commission on the following:

- The final draft of the Long Term Economic Monitoring report is almost complete. Joe Sosik has been key in completing the last of the updates.
- DEP has issued a Treatment Works Approval for the four new septic systems, which the Commission has opted to add to the existing Pilot Program. The Pilot Program now has a total of seven alternate design systems to choose from.
- A number of years ago the Commission worked with a couple of towns on a project called the Pinelands Excellence Program. The programs worked on enhancements and development needs of the towns. Egg Harbor Township was one of those towns, and the program identified 32 recommendations, one of which was to develop a new exit on the Garden State Parkway. Recently, Egg Harbor Township officials met with Commission staff to discuss the potential for the new Parkway interchange.

Ms. Stacey Roth provided an update on the Robert Miller Airpark project:

- The County is moving forward with the crosswind runway project. In doing so, the County found new clusters of sickled leaf golden aster plants in the vicinity of the taxiway and runway. However, Amy S. Greene Environmental Consultants has surveyed the site and confirmed there will not be an adverse impact to the population. The population at the Airpark is thriving. When the project is complete, there will be 3,000 more plants than at the time the MOA was signed.

#### Public Development Projects and Other Permit Matters

Commissioner Ficcaglia moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1984-1305.029) (See Resolution # PC4-13-07). Commissioner Jackson seconded the motion.

Commissioner Prickett asked where the proposed fence was being placed.

Mr. Ernest Deman said that the fence was being installed around an existing building on the Correctional Facility site that currently has no fencing. He said this specific building is a minimum security area and is located in the northwest portion of the parcel.

Commissioner Ashmun said that in the future, if development is to occur near wetlands, the Public Development Report should specify what type of construction debris/materials are permitted and how the wetlands are to be protected.

Mr. Horner said that he agreed and thinks it is an excellent suggestion.

Commissioner Prickett asked about the sewage treatment plant where the Prison and Correctional Facility discharges its waste.

Mr. Liggett said that the treatment plant was upgraded a couple of years ago and is located outside the Pinelands Area.

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

#### Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda.

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

Ms. Theresa Lettman of the Pinelands Preservation Alliance provided comments on the following applications:

**1981-1833.066-Stockton Tennis Courts-** Ms. Lettman said she is concerned because the tennis courts being developed are in an area with a high Ecological Integrity Assessment (EIA) score and the development envelope looks very different from Stockton's certified master plan. (See submitted written comments).

**1981-1833.065-Stockton Forest Stewardship Plan-** Ms. Lettman said she was hoping for more protection of the land and less impact on a forest with such a high EIA score. (See submitted written comments).

**2012-0109.001- Manchester Water Main Extension-** Ms. Lettman said that PPA has concerns that the proposed water main will disturb the road shoulder. They hope that any revegetation will be done with native Pineland Species.

#### Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Pemberton Township Ordinance 17-2012
- Plumsted Township Ordinance 2012-17
- Vineland City Ordinance 2012-50

Other

Commissioner Ashmun requested that, where applicable, Public Development Reports mention whether lands are part of the ROSI (Recreation and Open Space Inventory) or some diversion of Green Acres.

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

Jay Mounier requested a copy of the quarterly management report.

Mr. Leakan said the report would be posted to the Commission's website and distributed shortly.

Other

Commissioner McGlinchey said that at the January Commission meeting, a public commenter made accusations that were unjust. He said that if the commenter thinks there is illegal activity happening at the Commission, the appropriate place to present evidence is at the prosecutor's office.

Chairman Lohbauer agreed that if someone has knowledge of illegal activity there is an obligation to report that activity to the appropriate authorities. He said however that he will allow members of the public to make their comments.

Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss acquisition and anticipated litigation matters.

Commissioner Lloyd moved to retire into closed session. Commissioner Jackson seconded the motion. The Commission agreed to retire into closed session by a vote of 13 to 0.

The Commission met in closed session, starting at 10:18 a.m.

Return to Open Session

Chairman Lohbauer reopened the public portion of the meeting at 10:24 a.m.

D.D. Residential LP

Ms. Roth said that in closed session, a potential settlement regarding D.D. Residential was discussed. She provided a brief history of the D.D. Residential matter. The applicant lost in both the Office of Administrative Law and the Appellate Division. Ms. Roth said the settlement requires the applicant to purchase and redeem 45.75 PDC's in order to proceed with the proposed development.

Chairman Lohbauer asked for an oral motion to authorize Ms. Wittenberg to sign the settlement.

Commissioner McGlinchey moved to authorize Ms. Wittenberg to sign the Stipulation of Settlement. Commissioner Lloyd seconded the motion and all were in favor.

Other

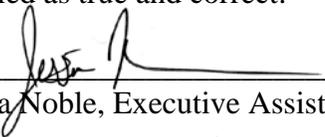
Commissioner Prickett mentioned that the annual Pinelands Short Course is coming up and he encouraged his fellow Commissioners to participate.

Ms. Wittenberg said that it is a free event for members of the Commission.

Adjournment

Commissioner Ficaglia moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 10:30 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: \_\_\_February 13, 2013\_\_\_