

Disclaimer

These minutes reflect the actions taken by the Commission during its March 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 March 20, 2013.

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

MINUTES

**March 8, 2013**

Commissioners Present

Candace Ashmun (by telephone), Leslie Ficcaglia, Paul E. Galletta, D'Arcy Rohan Green, John Haas (by telephone), Robert Jackson, Gary Quinn, Ed Lloyd, Ed McGlinchey, Richard Prickett, Fran Witt 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

Bill Brown, Joe DiBello and Sean Earlen.

Chairman Lohbauer called the meeting to order at 9:45 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 12 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 February 8, 2013 Commission meeting minutes (open and closed). Commissioner Ficaglia moved the adoption of the minutes. Commissioner Rohan Green seconded the motion.

The minutes of the February 8, 2013 meeting were adopted by a vote of 11 to 0, with Commissioner Quinn abstaining.

### Committee Chairs' Reports

#### Plan Review Committee

Commissioner Ashmun said the Committee did not meet in February.

#### Personnel & Budget Committee

Commissioner Prickett updated the Commission on action from the February 8, 2013 Personnel & Budget Committee meeting:

The Committee adopted the minutes from the December 4, 2012 meeting.

During the Accounting Services Update, staff noted that the Commission would be issuing an RFP for continuing services of a Certified Public Accountant (CPA). However, in order to have the opportunity to evaluate the specific future needs, the Commission will continue the services of the current CPA for this year.

The Insurance Update focused on the duplication of crime coverage within policies. A quote to increase coverage in the General Liability policy has been requested in order to allow for the cancellation of the other policy. Commissioner Brown suggested that having a separate bond for those who handle money would be less expensive. A brief description of the role of the Office of Risk Management was given.

Financial Updates including the Check Register and Electronic Funds Transfers for December 2012 and January 2013 were reviewed. An update on application fees was also provided.

There was no public comment.

The December 2012 & January 2013 employee actions were reviewed.

Committee members discussed confidential personnel matters in closed session.

#### Policy & Implementation Committee

Chairman Lohbauer updated the Commission on action from the February 22, 2013 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the January 25, 2013 meeting.

The Committee received a brief update regarding secondary impacts related to improvement of Garden State Parkway Interchange #44. Atlantic County has received permission from all but one landowner to have properties appraised within the five areas of concern. The goal is to have such properties purchased or deed restricted to prevent the secondary impacts associated with creating a full interchange.

The Committee recommended Commission certification of Shamong Township Ordinance 2012-09, the Township's response to the clustering, forestry and wetlands management amendments to the CMP.

The Committee reviewed draft regulations to implement efficiency measures and extend the alternate design wastewater treatment systems pilot program.

#### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- A significant amount of staff time has been devoted to both Plan Review and implementing and developing departmental efficiency measures (LEAN).
- On March 1, 2013, the Commission began using the newly-formatted Certificate of Filing.
- Staff met with Stockton College representatives in an effort to move forward with the Stockton MOA. Joint training with college maintenance employees and Commission staff is being considered. This would ensure College employees are aware of the Commission's rules.
- The Pinelands Short Course is coming up on March 23. There is still time to register.

Mr. Larry Liggett updated the Commission on the following:

- Two meetings occurred this past month regarding the Kirkwood-Cohansey Project, one with DEP and the other with the New Jersey Builders Association. The Kirkwood-Cohansey study continues to focus on the impacts of new wells on watersheds and local wetlands.
- Staff is working on uploading threatened and endangered species data from paper to an electronic format and may include help of an intern or lab technician.
- The Long Term Economic Monitoring Report is with Ms. Wittenberg for final edits.

Mr. Chuck Horner updated the Commission on the following:

- Staff is working with the Woodbine Port Authority on an application for a new car dealership. Although Woodbine has an existing wastewater treatment facility, it is currently not operating because of inadequate flows. As a result, the application for the proposed car dealership will use an onsite septic system. In order to meet the groundwater quality (septic dilution) standards, the dealership will lease 25 acres from the Port Authority. The details of the deed have been challenging because at

- some point the car dealership may connect into the wastewater treatment plant, and the deed restriction would then need to be eliminated.
- Staff met with representatives of Stafford Township to discuss an offsite stormwater basin to resolve flooding issues in the Ocean Acres section of the town. The basin is being proposed in a Forest Area on the south side of Route 72 and is not a permitted use. Because the basin is not a permitted use, Stafford Township will be applying to the Commission for a compelling public need waiver.
  - Staff is working with the Borough of South Toms River on some development applications. South Toms River Borough is the only Pinelands municipality that is not certified. When a town is not certified, different CMP regulations apply. (Please note the Borough of South Toms River is in the process of becoming a certified Pinelands municipality).
  - A meeting is scheduled for next week with South Jersey Transportation Authority regarding the relocation of Amelia Earhart Blvd. and direct access from the Atlantic City Expressway to the Atlantic City Airport.

Ms. Stacey Roth advised Commissioners that Financial Disclosure Statements must be filed by May 15, 2013.

#### Public Development Projects and Other Permit Matters

Commissioner McGlinchey moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.066, 1987-0914.008, 2008-0305.001 & 2012-0109.001) (See Resolution # PC4-13-08). Commissioner Lloyd seconded the motion.

#### ***Application #1981-1833.06, Richard Stockton College of NJ, Tennis courts***

Commissioner Ashmun asked if the proposed stormwater basins associated with the development of the tennis courts were inside the development envelope associated with the Stockton Master Plan that the Commission approved.

Mr. Horner said the basin will be developed inside the development envelope designated as part of the approved Master Plan.

At the request of Commissioner Prickett, Mr. Horner elaborated on the proposed stormwater facilities associated with the development of the tennis courts.

#### ***Application #2008-0305.001, Borough of Folsom, Parking Lot***

Chairman Lohbauer asked what type of cover would be used for the proposed parking lot.

Mr. Ernest Deman said the parking lot would be constructed of concrete.

Mr. Horner indicated that the CMP does not specify permitted or non-permitted paving materials.

#### ***Application# 2012-0109.001, Manchester Township, Installation of potable water main***

Commissioner Ashmun expressed concern that the water main extension is to serve development in the Pinelands National Reserve.

Chairman Lohbauer said that the water main installation will take place in an already-disturbed area.

Commissioner Prickett said he is concerned about the placement of dirt associated with digging the trenches and hopes that workers are not going to disturb the road shoulder.

At the request of Commissioner Lloyd, Mr. Horner said that he could add language to the cover letter to Manchester Township, further instructing that disturbance from construction related activities should be avoided in the vegetated road shoulder.

Commission members and staff further discussed regulations regarding leftover dirt materials. It was decided that the Plan Review Committee could address the issue in greater detail.

The Commission adopted the resolution by a vote of 12 to 0.

#### Resolutions Relating to Municipal Ordinances

Commissioner McGlinchey moved the adoption of a Resolution Issuing an Order to Certify Ordinance 2012-09, Amending Chapter 110 (Land Development) of the Code of Shamong Township (See Resolution # PC4-13-09). Commissioner Galletta seconded the motion.

Mr. Liggett said this is the Township's response to the CMPs clustering, forestry and wetlands management amendments.

The Commission adopted the resolution by a vote of 12 to 0.

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

No one from the public offered comment.

#### Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Monroe Township Ordinance 0:30-2012
- Vineland City Ordinance 2012-68
- Washington Township Ordinances 2012-08, 2012-09, 2012-10 & 2012-11

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

Fred Akers of the Great Egg Harbor River Council said that tomorrow he will help Winslow Township celebrate its birthday. He also said that he was happy to see the snow

at this time of the year because it will soak into the ground. He appreciated the Commission's discussion on stormwater. He said he attended the Pinelands Preservation Alliance's Low Impact Development series.

Julie Akers of the Great Egg Harbor River Association asked who on the Pinelands Commission staff reviews stormwater.

Mr. Horner said that a number of staff members review stormwater information. However, the majority of stormwater reviews are done by one particular staff member. He also said that although the Commission's review of stormwater does not go to the same level or address all of the matters comprising municipal stormwater review, the Commission's stormwater review is still thorough and covers many issues.

Other

A discussion amongst the Commissioners took place regarding holding a monthly Commission meeting in the evening.

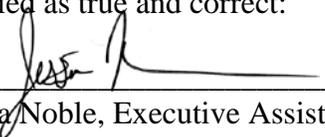
Commissioner Prickett mentioned that he attended the Pine Barrens panel discussion that featured author John McPhee and former Governors Byrne and Florio at Princeton University's McCosh Auditorium. He said it was a wonderful event. He also mentioned Founders Day at Whitesbog, which will take place on May 18, 2013.

Chairman Lohbauer said he also attended the panel discussion on the Pine Barrens in Princeton but thought it was a shame that Commissioner Ashmun was not invited to sit on that panel.

Adjournment

Commissioner Ficcaglia moved to adjourn the meeting. Commissioner Rohan Green seconded the motion. The Commission agreed to adjourn at 10:49 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: \_\_\_\_\_ March 15, 2013\_