

Disclaimer

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

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

MINUTES

January 12, 2018

Commissioners Present

Alan W. Avery Jr., Giuseppe Chila, Paul E. Galletta, Jane Jannarone, Ed Lloyd, Mark Lohbauer, 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 General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun.

Commissioners Absent

Bob Barr, Ed McGlinchey and D'Arcy Rohan Green.

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

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented the minutes from the December 12, 2017 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The December 12, 2017 Commission meeting minutes were adopted by a vote of 10 to 0.

Remembering Brendan T. Byrne

Chairman Earlen said Governor Byrne was instrumental in the creation of this Commission and the protection of the Pinelands. He said we have a tribute video that we will view in his memory.

After the video, a few Commissioners took a moment to reflect on their experiences and memories of the late Governor Byrne.

Committee Chairs' Reports

Chairman Earlen said there were no Committee meetings in December. He said the next Policy and Implementation Committee meeting is scheduled for Friday, January 26, 2018.

Executive Director's Reports

Director Larry Liggett said the Commission along with the New Jersey Department of Environmental Protection and the New Jersey Conservation Foundation will be involved in a study with NASA to determine fire risks in the Pinelands using satellite data. He said a conference call is scheduled for next week.

Director Liggett also provided an update on the Long Term Economic Monitoring (LTEM) program:

- He reminded the Commission that the LTEM program is being re-examined. Staff will be issuing a report covering a 2-year period.
- The Commission contracted with Rutgers University to analyze the LTEM report, and provide recommendations on how the Commission might improve and modify the report.
- Staff will be meeting with Socrata, a company that specializes in creating websites and other open data services for government entities, about the potential for a new LTEM website.

Director Charles Horner updated the Commission on the following items:

- Woodland Township continues to evaluate the development potential of a 100 acre municipally-owned parcel located near the Route 72 and Route 70 circle. Staff has previously met with Woodland Township to discuss the parcel. The Township recently applied for and received a PDC Letter of Interpretation for the property. The LOI, allocating 2.5 PDCs, was included in the Commission packet.
- Staff held a pre-application conference with a developer that is interested in building an assisted-living facility on the south side of Route 72 in Stafford Township.

- Staff is currently assisting nine municipalities in an effort to resolve various land use violations.

Commissioner Lloyd asked if Woodland Township owns the 100 acre parcel.

Director Horner confirmed that the Township owns the lands. He noted that the Commission's rules allow a government agency to be eligible for a PDC allocation only if the parcel was acquired after the adoption of the Comprehensive Management Plan (CMP). He said Woodland purchased the parcel after the adoption of the CMP.

Commissioner Lloyd asked about the status of the stormwater basin the Commission approved to alleviate flooding along Route 72 in Stafford Township. He also asked about the stormwater impact of the assisted living facility.

Director Horner said the Commission approved a Waiver of Strict Compliance to address an on-going drainage related problem. He said Stafford Township has not yet built the stormwater facilities. He also said the applicant would need to address stormwater as part of the development application for the assisted living facility. He noted that the assisted living project is located closer to the Garden State Parkway.

Commissioner Avery said as Chairman of the Audit Committee he wanted to thank the two public members of the Committee who volunteer their time to provide valuable knowledge.

Paul Leakan updated the Commission on the following items:

- The 29th annual Pinelands Short Course will feature 41 presentations. Commissioners are invited to attend for free. Commissioner Prickett along with Commission staff members Marilyn Sobel and John Bunnell will be delivering presentations at the March 10th event. He said the artwork featured on the brochure is the winner from last year's poster contest.
- The state reviewer has requested that the drawings for the visitor center be revised to include fire rating test results. Hopefully once that is complete and resubmitted, the State will issue the permit needed to move forward on the visitor center.

Chief Planner Susan R. Grogan noted that there has been an uptick in PDC sales. She said that the majority of developers that are purchasing the PDCs are not familiar with the PDC process and have not had prior dealings with the PDC Bank. She noted that most of the projects are in Ocean County and that there has been no increase to the average sales price.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of three public development applications in Pemberton Township.

Commissioner Pickett said he would be recusing himself from the vote. He left the meeting room.

Commissioner Lohabuer moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1991-1108.011, 1991-1108.012 & 2017-0204.001) (See Resolution # PC4-18-01). Commissioner Galletta seconded the motion.

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

Commissioner Prickett returned to the meeting.

Chairman Earlen presented a resolution recommending the approval for the installation of 544 linear feet of sanitary sewer main in Medford Township.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2006-0039.003) (See Resolution # PC4-18-02). Commissioner Prickett 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:

- Manchester Township Ordinance 17-024
- Winslow Township Ordinance O-2017-020

No members of the Commission had questions.

Other Resolutions

Chairman Earlen presented a resolution to accept the Fiscal Year 2016 Audit Report.

Commissioner Avery moved the adoption of a resolution To Accept the Fiscal Year 2016 Audit Report (See Resolution # PC4-18-03). Commissioner Jannarone seconded the motion.

Commissioner Avery said that because of the timing of the FY 2016 Audit, the Commission was unable to adequately correct the findings from the FY 2015 Audit, causing the findings to be noted once again. He said that new accounting software has been purchased to improve the Commission's financial records. He said the Commission's accountant from Bowman and Company is now reviewing bank reconciliations, and a server has been purchased to test the Commission's disaster recovery plan. He said the goal is to have no findings in the next audit.

ED Wittenberg provided an update on the status of Edmunds accounting software. She said financial data has been shared, data testing will occur and dual systems will need to be used until Edmunds goes live at the end of February.

ED Wittenberg said that staff is reviewing a management letter from the State Auditors.

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

Presentation: Progress Report on the Pinelands Electric Transmission ROW Vegetation Management Plan Pilot Program

Director Horner said that in 2009, the Commission approved a Pilot Program to establish a program to manage the vegetation in certain utility ROW's in the Pinelands Area.

Jean Montgomerie displayed a timeline of the ROW Pilot Program beginning in 2009 and ending in 2019. She explained that a "span" is an area between two transmission towers. She said the goal is to keep the span looking like a mini Pinelands ecosystem without interfering with electric distribution. She reviewed the three items that the ROW Progress Report must address: the type and extent of vegetation management activities undertaken, significant problems or issues and the need for amendments to the ROW Plan.

Patrick Burritt of the Science Office explained the methods and results of the vegetation study plots. He said the Science Office conducts monitoring to determine if the prescription areas have remained stable and sustainable early successional habitats that are characteristic of the Pinelands. (See attached presentation slides for further details)

Staff answered some questions from the Commissioners.

Commissioner Prickett asked if any threatened and endangered species were identified in the plot surveys and if the early successional species are more likely to change or maintain their population.

Mr. Burritt said that he has observed orchids and a red headed woodpecker in the spans. He said because the spans are continually mowed there is limited opportunity for shrubs and trees to grow, allowing early successional habitat to flourish.

Commissioner Lohbauer asked if ORV damage can be seen in the utility spans.

Director Horner said ORV damage is a common problem in utility ROWs.

There was a brief discussion regarding the tree height requirements within a utility ROW. ED Wittenberg said she believes the height limits stem from the Board of Public Utilities regulations.

Director Horner added that the purpose of the ROW pilot program was to create a canopy with a low shrub layer throughout the utility ROWs. He added that staff would provide additional information about tree height requirements at a later date.

Commissioner Prickett said that eventually he would like to see the progress report include an assessment of ORV damage in utility ROWs.

Link to the ROW Progress Report 2013-2015:

<http://www.nj.gov/pinelands/infor/online/Electric%20Transmission%20ROW.pdf>

General Public Comment

Rich Bizub with the Pinelands Preservation Alliance said that Jason Howell is a professional videographer and he created the tribute video on Governor Brendan T. Byrne.

Ryan Rebozo with the Pinelands Preservation Alliance said he enjoyed the ROW Progress Report presentation. He said if the Commission is not already practicing timing restrictions on mowing herbaceous vegetation, it should be considered.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Chila seconded the motion. The Commission agreed to adjourn at 11:00 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: January 19, 2018