

Disclaimer

These minutes reflect the actions taken by the Commission during its January 16, 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 January 28, 2015.

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

MINUTES

**January 16, 2015**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bill Brown, Sean Earlen, Ed Lloyd, Paul E. Galletta, Richard Prickett, Robert Jackson, Jane Jannarone, Gary Quinn, D'Arcy Rohan Green and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Amy Herbold and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Joe DiBello, Ed McGlinchey and Fran Witt.

Chairman Lohbauer called the meeting to order at 9:32 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 minutes (open and closed session) from the December 12, 2014 Commission meeting. Commissioner Lloyd moved the adoption of the minutes. Commissioner Ashmun seconded the motion. Commissioner Jannarone, Commissioner Rohan Green and Commissioner Quinn abstained from the vote.

The minutes of the December 12, 2014 Commission meeting were adopted by a vote of 9 to 0.

### Other

Chairman Lohbauer welcomed Commissioner Rohan Green back to the Commission.

He said Commissioner Brown was recently recognized by Upper Township for 50 years of public service. He referenced an article in the Shore News Today that highlighted the multitude of activities Mr. Brown has delved into in his career. He encouraged all to read the article if they had not already done so. He said Commissioner Brown served as a Seabee during WW II and his unit was responsible for pontoon landing docks which made it possible for the military to have the necessary supplies to fight the war.

Link to Article: <http://www.shorenewstoday.com/snt/news/index.php/upper-township/upper-township/61102-township-honors-william-brown-for-50-years-of-service-to-community.html>

### Committee Chairs' Reports

#### Personnel & Budget Committee

Vice Chairman Avery said the next Personnel and Budget meeting is scheduled for February 3, 2015.

#### Policy & Implementation Committee

Chairman Lohbauer said the Policy and Implementation Committee meeting scheduled for January 6, 2015 was canceled. The Committee will meet next on Friday, January 30, 2015.

### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- The Appellate Division recently ruled in the Commission's favor regarding the Winzinger mining application. The Winzingers own a property in Woodland Township, in the Preservation Area District. The Winzingers wished to expand the area to be mined. The mining operation is a pre-existing, non-conforming use. The applicant felt that because the mining operation was grandfathered, future mining operations did not need to comply with the threatened and endangered species standards of the Comprehensive Management Plan. A threatened and endangered

species study that was performed on the parcel determined that the property has pine snake habitat. After a public hearing held at the Commission in January 2013, the matter was denied by the Commission in June 2013. The Winzingers appealed that decision. Ms. Wittenberg offered to send a copy of the decision to any interested Commissioners.

Mr. Larry Liggett provided an update on the following:

- Dr. Dan Van Abs is working on a study to determine what the water needs of the state will be in 2040. The study will look at water use by different types of households rather than assigning all households the same value. Commission staff will participate in this project.
- We have heard from a number of municipalities that be coming to the Commission for zoning changes, mostly involving the Regional Growth Areas.

Commissioner Ashmun asked if the Water Supply Master Plan would be put off until 2040.

Commissioner Lloyd asked why they chose the year 2040 for the study.

Mr. Liggett said he was not certain but it may have to do with regional transportation planning data.

Mr. Chuck Horner provided an update on the following:

- On December 29, staff met with Evesham Township officials to discuss an application for an artificial turf field and related stormwater management issues.
- Staff is scheduled to meet with Waterford Township and the owners of Atco Raceway. The owners of the raceway are proposing to expand parking areas and access drives to alleviate traffic concerns.

Commissioner Prickett said he read an article featured in the Burlington County Times on January 7, 2015. He said in the article the Mayor of Southampton states the Commission would not allow for Township to expand its municipal building. He said he found it interesting that the Commission did not have a voice in the news article.

Link to article: [http://www.burlingtoncountytimes.com/news/local/southampton-looks-to-strike-deal-on-route-property/article\\_55eac7a1-026c-5745-9586-28bc2644e290.html](http://www.burlingtoncountytimes.com/news/local/southampton-looks-to-strike-deal-on-route-property/article_55eac7a1-026c-5745-9586-28bc2644e290.html)

Mr. Horner provided some background information on the municipal building and nearby Department of Public Works (DPW) garage. He said the municipal complex is located in a Pinelands Village, it is sewerred and has potential for expansion opportunities. Mr. Horner said the DPW garage is much more limited because it is located in an Agricultural Production Area and is on septic. Mr. Horner said he called the Township Administrator after reading the article. He said in the spring of 2014 Southampton officials had a pre-application meeting with staff, and at that meeting staff advised the Township of its options for expanding the current municipal property. He said he believes the discrepancy stemmed from a change in Township Committee members.

Ms. Wittenberg added that she called the reporter and advised him there were some inaccuracies in the article.

Commissioner Avery asked Mr. Liggett if the Counties would be involved in the 2040 water supply study. He said in order to determine what the water needs will be, you need to know what the future population is.

Mr. Liggett said he believes that figures will be based on Department of Labor projections and those of regional planning agencies. He said he will pass on the recommendation to Mr. Van Abs.

Commissioner Jackson noted that Atlantic County's numbers would need to be readjusted to reflect the casino crisis in Atlantic City.

#### Presentation

Mr. Joel Mott advised Commissioners that he distributed the 26<sup>th</sup> Annual Pinelands Short Course brochure and registration form. He encouraged Commissioners to register. He said the Short Course will be held on March 14, 2015 at Stockton College. He said this is the second year that the event will be held at Stockton College and it is a perfect venue for the event. He said over 10,000 people have attended the Short Course over the last 25 years. He said a new family-friendly track is being offered in attempt to attract the younger generation to the event. See presentation slides for additional information.

#### Public Development Projects and Other Permit Matters

Chairman Lohbauer said there is one public development application that is being recommended for approval today.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-2787.002)(See Resolution # PC4-15-01). Commissioner Galletta seconded the motion.

Commissioner Prickett raised concerns over the existing violations on the property.

Mr. Horner said that, as part of the application, the violations would be resolved and staff would site inspect the property to ensure that they are resolved.

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

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

Theresa Lettman of the Pinelands Preservation Alliance commented on Manchester Township Ordinance 14-016. She said she had been following this Ordinance at the municipal level since fall 2014 and there were significant problems with the Township's ordinance adoption process. She said a number of years ago there was a discrepancy over

the Preservation Area and Forest Area boundary lines in Manchester Township. She said she was able to get a copy of a zoning map from Manchester Township. After she viewed the map, she noticed there were 23 different Management Area changes. She said after reading the Commission's No Substantial Issue memo, she noticed that the zoning map being approved was dated Decembers 5, 2014. She said she had never seen this map and the version provided to her by the Township has an earlier date. She was curious why this ordinance did not warrant a public hearing at the Commission.

Ms. Susan R. Grogan said the Commission is not involved with the Township's ordinance adoption process. She noted that because of monetary costs many towns do not print the final zoning map until the process is complete. She said that is probably why the public has not yet seen the final map. She said a public hearing at the Commission was not necessary because there were no changes to the management area boundaries. She said the Commission worked with Manchester Township on mapping discrepancies for some time. The Township has revised their zoning map and adopted a map that matches the Commission's lines, which the Commission certified in 1993.

#### Ordinances Not Requiring Commission Action

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

- Chesilhurst Borough 2005 Master Plan Update, Ordinances 6-2006 and 2014-7
- Galloway Township Ordinances 1895-2014 & 1899-2014
- Jackson Township Ordinance 18-14
- Manchester Township Ordinance 14-016
- Weymouth Township Ordinance 535-2014

No members of the Commission had questions.

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

Jaime Giordano, a resident of Buena Vista Township, said her residence experiences flooding. She said the flooding is caused by a basin that was built in conjunction with the Richland Fire Company. She said she spoke with Mayor Chuck Chiarello, and his recommendation was to speak to the Pinelands Commission. She provided some pictures of flooding.

Mark Demitroff, a resident of Buena Vista Township, raised concerns over a number of development projects that he feels have not complied with the appropriate stormwater management regulations. He suggested that the Commission is approving permits without having the appropriate plans. He requested this matter be looked into.

Mr. Horner said staff is familiar with the issues that Mr. Demitroff has raised.

Jenelle Blackmon, Communication Workers of America Staff Representative, provided an update on the negotiation process. She requested that the Commission's counsel meet with CWA so negotiations can conclude, the Fact Finders report can be acted on, and the last best offer can be put on the table.

Fred Akers of the Great Egg Harbor Watershed Association said in December he attended the Hamilton Township Planning Board meeting at which the Hamilton Mall Stormwater basins were on the agenda. He said that he has been working for about 10 years to find a resolution and they are very close. He said it is very difficult to revitalize old stormwater basins to meet new regulations. He said that, like the Commission, the Great Egg Watershed Association receives funding from National Park Service (NPS) Cooperative Agreements. He said he was able to make a connection with Mike Caldwell the Northeast Regional Director of NPS. He said Mr. Caldwell met with a group of 12 river managers in November 2014 to discuss problems that face their associations. Mr. Akers said he plans to invite Mr. Caldwell to the Great Egg Harbor River Water Council in the near future.

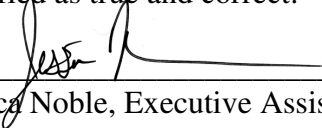
Adjournment

Commissioner Prickett encouraged his fellow Commissioners and Public to check out this year's Short Course.

Commissioner Avery said that, a number of months back, Commissioner Prickett inquired about the status of Ocean County's Structural Management acquisition. Commissioner Avery reported that the acquisition closed and 1,200 acres are now in public ownership.

Commissioner Ashmun moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn at 10:50 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: January 23, 2015