

Disclaimer

These minutes reflect the actions taken by the Commission during its June 11, 2021 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 June 21, 2021

PINELANDS COMMISSION MEETING

MINUTES
June 11, 2021

The June 11, 2021 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=2KU8bDXcgvo>

Commissioners Participating in the Meeting

Alan W. Avery Jr., Shannon Higginbotham, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, and Chairman Richard Prickett. Also participating were Acting Executive Director Susan R. Grogan and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Daniel Christy, Jordan P. Howell, Gary Quinn and D'Arcy Rohan Green.

Call to Order

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

DAG Miles read the Open Public Meetings Act Statement (OPMA).

Chairman Prickett announced that Executive Director Nancy Wittenberg is taking a Leave of Absence from the Commission and in accordance with the Commission's Bylaws, has designated Susan R. Grogan as Acting Executive Director.

Acting Executive Director Grogan called the roll and announced the presence of a quorum.

Minutes

Chairman Prickett presented the open and closed session minutes from the Commission's May 14, 2021 meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The open and closed session minutes from the May 14, 2021 Commission meeting were adopted by a vote of 8 to 0.

Chairman Prickett said the annual organization meeting will occur during the July Commission meeting. He said the Commission will elect a Vice-Chairman and select Committee Chairs and membership during that meeting. He said nominations can be submitted to Jessica Noble via e-mail.

Chairman Prickett said in mid-May a few Commissioners and staff met with New Jersey Department of Environmental Protection (NJDEP) Commissioner Shawn LaTourette to discuss ways the Commission and the Department can work together on issues. The following topics were also discussed: off-road vehicles (ORVs), Horizontal Directional Drilling (HDD), climate change and land acquisition funding.

Committee Reports

Chairman Prickett provided an update of the May 28, 2021 Policy & Implementation Committee meeting:

The Committee adopted the minutes (open and closed sessions) of its April 30, 2021 meeting.

The Committee recommended Commission approval of Winslow Township Ordinance O-2021-005, adopting a Redevelopment Plan for the Randevco Redevelopment Area.

The Committee recommended the Commission propose rules related to stormwater management, pending approval by the Governor's Proposed Rules office.

The Committee received an update on four bills currently before the New Jersey legislature related to forest stewardship.

Following a presentation by the Science Office, the Committee endorsed a proposal to apply for an U.S. Environmental Protection Agency Wetland Program Development Grant to study box turtles. The program requires 25% matching funds, roughly \$108,000, which would come from the Pinelands Conservation Fund.

The Committee continued its discussion of horizontal directional drilling (HDD) and its interest in reviewing applications using that technique. Committee members will review Chairman Prickett's draft rule changes and will ask staff to provide a history of the exemption provisions in the CMP and other HDD issues at an upcoming meeting.

Commissioner Lohbauer said soon after the NJDEP meeting with Commissioner LaTourette, the NJ Division of Fish and Wildlife closed a number of wildlife management areas in South Jersey because of an uptick in unauthorized use.

Commissioner Lohbauer provided an update of the May 19, 2021 Climate Committee meeting.

The Committee adopted the minutes of its April 21, 2021 meeting.

Staff provided an update on pending forestry legislation currently before the Legislature.

The Committee discussed solar energy facility regulations and potential amendments to the Pinelands Comprehensive Management Plan (CMP).

The Committee also discussed improvements at the Commission's offices that would reduce its carbon footprint.

Commissioner Pikolycky said he would like the Commission to determine short- and long-term goals related to landfill solar projects.

Commissioner Avery said the application fees received for Fiscal Year (FY) 2021 have exceeded the projected amount. He noted that he was interviewed by the Office of the State Auditor as part of the audit process.

Acting Executive Director's Report

Acting ED Grogan provided information on the following:

- Invitations were mailed to alternate design wastewater technology vendors. The Septic Pilot Program is currently able to accept up to five new technologies.
- Invitations were sent to the Commission's land preservation partners regarding the latest round of Pinelands Conservation Fund (PCF) grant monies.
- Several years ago, a Jackson Township/Manchester Township sewer and water project was awarded a grant from the Pinelands Infrastructure Trust Fund (PITF). At this time, the applicants have requested that the funding be used entirely for the sewer extension. The sewer extension will serve proposed future development in both municipalities. Funding for the water supply will be provided by the developer. Pemberton Township is proceeding with its water project, which was also chosen as a PITF project.
- A large sale of Pinelands Development Credits (PDCs) was processed by the PDC Bank. Sixty-seven rights were sold by one property owner and purchased by one developer for a project in South Toms River.
- After over 25 years at the Commission, Betsy Piner is retiring effective July 1.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matters:

- Staff is working with an applicant and their attorney regarding a transitional housing project for veterans in Barnegat Township. The property is located in a Pinelands Forest Area and permitted use issues need to be worked out.
- Staff participated in another municipal Zoom hearing regarding the clearing of a six-acre parcel in Galloway Township. An in-person court hearing is scheduled for June.
- Hamilton Township is completing a threatened and endangered species study to determine if certain species are still present on a 20-acre, deed-restricted area within the Liepe Tract Recreation Complex.
- The Commission received two requests for emergency authorizations, both of which are for bridge replacements in Atlantic County. One bridge is in Folsom Borough and falls under an existing Memorandum of Agreement between the Commission and Atlantic County. The other bridge is located in Hamilton Township. Once the Acting ED speaks with the Chairman about the bridge project, the letter granting the emergency authorization will be shared with all Commissioners. The County will submit an application in the coming weeks.
- A cell tower application proposed at the EMS/Fire Station in Chatsworth has been referred back to the Woodland Township Land Use Board and will be heard in July. Staff reviewed the approval from the original Woodland Township Land Use Board and determined that it did not demonstrate that the proposed tower qualified as an accessory use. The application remains called up.
- Staff worked with Woodland Township to resolve a clearing violation on approximately three acres of municipal Rights-of-way (ROW). The applicant is required to revegetate and install gates to prohibit vehicles from using the cleared ROW. A portion of ROW will remain as a firebreak.

Stacey Roth, Chief of Legal and Legislative Affairs thanked Commissioners for filing their Financial Disclosure Statements in a timely manner.

Paul Leakan, Communications Officer, said the Pinelands Summer Short Course is scheduled for July 15th and will be held at both historic Whitesbog Village and Wells Mills Park in Ocean County. Attendees can learn about the ecology and history of the Pinelands, listen to live music and take guided tours. Copies of two different Pine Barrens Byway brochures have been printed and will be distributed along the route. Joel Mott continues to hold weekly webinars through Zoom and has been educating hundreds of students virtually.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of two public development applications: a two lot subdivision in Medford Township and a building addition to a Forest Fire Service headquarters located in Hamilton Township.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 2013-0010.002 & 2018-0186.002) (See Resolution # PC4-21-14). Commissioner Lloyd seconded the motion.

Director Horner said the subdivision application is a follow up from the application the Commission approved to construct a new Municipal building in Medford Township. He said there was an existing dwelling on the same parcel as the new municipal building and this subdivision application will separate the dwelling from the municipal building. He noted that the newly constructed municipal building recently opened.

Chairman Prickett asked about the historic relevance of the existing structure.

Director Horner said the dwelling is located in a historic district and a Certificate of Appropriateness was issued as part of the approval for the development of the new municipal building to handle the historic significance of the existing dwelling.

The Commission adopted the resolution by a vote of 8 to 0.

Planning Matters

Chairman Prickett presented a resolution recommending certification of Winslow Township Ordinance O-2021-005.

Commissioner Avery made a motion Issuing an Order to Certify Winslow Township Ordinance O-2021-005, Adopting the Randevco Redevelopment Plan (See Resolution # PC4-21-15). Commissioner Lohbauer seconded the motion.

Brad Lanute, Planning Specialist, said the proposed redevelopment plan will be situated on approximately 84 acres in the Regional Growth Area. He said the plan will consist of a Commercial District Zone located along Route 73, a Residential District that will front along Tansboro Road and a Mixed Use Overlay District that will consist of compact mixed use development. The Mixed Use Overlay District is a floating zone and will allow the developer to choose the actual location of the Main Street ROW. He said the goal of the redevelopment plan is to create a new Town Center. He said the plan will permit up to 600 residential units at 7 units per acre. He added that the town and the Commission have an agreement in place regarding water usage in order to ensure protection of the Kirkwood-Cohansey Aquifer.

Chairman Prickett asked about the open space component in the redevelopment plan.

Mr. Lanute said 25% of the Residential District has been designated for open space and recreation and half of that 25% has been set aside for unoccupied, naturally vegetated open space.

The Commission adopted the resolution by a vote of 8 to 0

Public Comment on Public Development Applications and Items where the record is open

Chairman Prickett read the list of Public Development Applications. No one provided comment on the applications.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action.

- Egg Harbor Township Ordinance 23-2021
- Franklin Township Ordinance 7-2021

No questions were raised.

Other Resolutions

Chairman Prickett presented a resolution related to CMP Amendments.

Commissioner Avery made a motion To Authorize the Acting Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Stormwater Management) (See Resolution # PC4-21-16). Commissioner Lloyd seconded the motion.

Acting Executive Director Grogan said the amendments that have been shared are a proposal, not an adoption. She said the proposal will authorize staff to submit the amendments to the Office of Administrative Law (OAL) for review and publication in the New Jersey Register. The 60-day comment will begin, followed by a formal public hearing, and later this year will come back before the Commission for adoption. She noted that the proposal was shared with and reviewed by the Governor's Proposed Rules office. Staff responded to questions and concerns raised by the Proposed Rules office.

Acting ED Grogan thanked the Commission's internal stormwater team for their efforts on the amendment proposal.

The Commission adopted the resolution by a vote of 8 to 0.

Chairman Prickett presented the final resolution, which enables the Commission to make purchases until a new budget is adopted.

Commissioner Lloyd made a motion To Authorize the Acting Executive Director to Continue to Expend Funds for Fiscal Year 2022 at the Same Level of Expenditures as Fiscal Year 2021 until the Adoption of the Fiscal Year 2022 Budget (See Resolution # PC4-21-17). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance (PPA) said PPA is looking forward to the Summer Short Course and thanked the Communication and Education staff for their work. She said if the Commission should consider an amendment for solar standards,

landfills need to be considered on a case-by-case basis. She said each landfill in the Pinelands is unique. She hopes the Commission will protect the natural resources rather than easing regulations, even if it is for a renewable energy project.

Fred Akers of the Great Egg Harbor Watershed Association said both bridge projects in Atlantic County seeking emergency authorization are located on federally designated Wild and Scenic Rivers. He said the National Park Service Section 7 review has found no issues. He said the National Park Service Budget has allocated funds to the Pinelands Commission. He asked if there was any news on a federal appointee to the Commission.

Chairman Prickett said he had not heard anything but suggested that it may be time to reach out to the National Park Service.

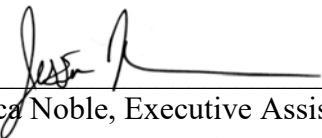
Amy Lansford of Haddonfield, NJ, urged the Commission to ensure its due diligence and protect drinking water when solar is proposed at a landfill site.

Adjournment

Commissioner Lohbauer and Chairman Prickett both expressed how much Betsy Piner will be missed once she retires.

Commissioner Avery moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:39 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: June 21, 2021