

Disclaimer

These minutes reflect the actions taken by the Commission during its October 13, 2017 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 October 23, 2017.

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

MINUTES

October 13, 2017

Commissioners Present

Alan W. Avery Jr., Bob Barr, Bill Brown, Paul E. Galletta, Jane Jannarone, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett 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

None.

Commissioners Absent

Candace Ashmun, Giuseppe Chila, Gary Quinn and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:40 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 September 14, 2017 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner McGlinchey seconded the motion.

Commissioner Lloyd asked Stacey Roth, Chief, Legal and Legislative Affairs, if he was able to vote on the minutes even though he recused himself from the New Jersey Natural Gas application matter.

Stacey Roth said that Commissioner Lloyd could vote on the minutes.

The minutes of the September 14, 2017 Commission meeting were adopted by a vote of 9 to 0, with Commissioner Barr abstaining from the vote.

Committee Chairs' Reports

Chairman Earlen provided an update on the September 29, 2017 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the June 30, 2017 meeting (open and closed sessions).

The Committee recommended Commission certification of the following:

Galloway Township Ordinances 1969-2017 and 1970-2017 revising permitted uses in and expanding the boundaries of the R5C Cluster Overlay within the Rural Development Area

Manchester Township's 2017 Housing Element & Fair Share Plan and Ordinance 17-008, Amending Chapter 245 by creating the new PAF-1 (Pinelands Affordable Housing) Zone within the Regional Growth Area

Maurice River Township Ordinance 662, Adopting a Redevelopment Plan for the Pinelands Business Overlay zoning district in the Rural Development Area

The Committee received a presentation on the draft New Jersey Water Supply Plan.

Commissioner Avery asked if Manchester's Fair Share Plan designated sites.

Chief Planner Susan R. Grogan said Manchester Township has designated specific sites, one of which is in the Pinelands Area. She said the others are in the Pinelands National Reserve (PNR).

Commissioner Lloyd asked if the Commission would be submitting comments on the Fair Share Plan.

Chief Planner Grogan said that if Manchester Township requested the Commission to approve that portion of the zoning/housing plan that applies outside the Pinelands Area, the Commission could then comment on it. She said Manchester has not asked the Commission to approve that portion of the plan. She added that if a development application is filed with the New Jersey Department of Environmental Protection (NJDEP) in the National Reserve and/or CAFRA, the Commission would comment at that time.

Executive Director's Reports

ED Wittenberg said she attended the September 26th Pinelands Municipal Council meeting. She said at that meeting a representative from The Nature Conservancy discussed a mapping initiative it has developed for the State of New Jersey. She added that representatives from the Department of Community Affairs informed the Council about planning assistance that is available to towns. ED Wittenberg said the World Water Monitoring Challenge will be held at Batsto Village on October 20th. She also mentioned that on October 21st the Commission will be holding its first-ever archeological symposium. She said Commissioners are welcome to attend both events.

Director Larry Liggett said an amended version of an existing Memorandum of Understanding with Winslow Township and the Camden County Municipal Utilities Authority will be on the next P&I meeting agenda.

Director Charles Horner provided information on the following items:

- Staff continues to discuss development possibilities with Woodland Township municipal officials about a 57-acre parcel located on Route 72 in the Infill area of the Preservation Area.
- An application was submitted for the redevelopment of the Shoreline Sand and Gravel site in Barnegat Township. The proposed development consists of 715 dwelling units, assisted living facilities and commercial development.
- The application for the reconstruction of the Sweetwater Casino restaurant in Mullica Township continues to progress towards the issuance of a Certificate of Filing.

Director Horner introduced two new employees at the Commission, Kelly Jackson and Timothy Capella, who were both hired as Environmental Specialists in the Regulatory Programs office.

Chief Planner Grogan said a public hearing was held on October 4th for the amendments to the Comprehensive Management Plan (CMP). She said one member of the public attended. She reminded the Commission that the next P&I Committee meeting is scheduled for Tuesday, October 24th.

Stacey Roth said that the Appellate Division issued a ruling, siding with the Commission's decision to deny Peg Leg Webb a mining permit. She said the parcel in question was rezoned to a Forest Area designation as part of the Toms River Corridor Plan. She said there were procedural deficiencies with Jackson Township zoning process. She added that

mining is not permitted in the Forest Area. She said the Court determined that the CMP has precedence over local approvals and Municipal Land Use Law.

Paul Leakan updated the Commission on the following items:

- A total of 185 students will participate at this year's World Water Monitoring Challenge.
- Commissioner Barr will be visiting the Commission with representatives from the Ocean City Utilities Commission.
- Staff is working on the 2018 Pinelands National Reserve calendar.
- The Division of Property continues to review the permit for the Visitor Center.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the construction of a 49 space commuter parking area in Little Egg Harbor Township.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1997-0257.012) (See Resolution # PC4-17-32). Commissioner Lohbauer seconded the motion.

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

Chairman Earlen presented a resolution recommending the approval for the installation of 1,300 feet of potable water main in Pemberton Township.

Commissioner Prickett said he would be recusing from the vote and left the dais.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2015-0094.001) (See Resolution # PC4-17-33). Commissioner Lohbauer seconded the motion.

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

Commissioner Prickett returned to the meeting.

Commissioner Avery moved the adoption of a resolution Setting Forth the Process By Which the Pinelands Commission Will Review the Pinelands Development Application No. 1981-0479.011 Submitted by Atlantic City Electric Company for the Replacement of 110 Existing Lattice Towers with 110 Monopole (See Resolution # PC4-17-34). Commissioner Barr seconded the motion.

ED Wittenberg said Atlantic City Electric (ACE) is proposing to upgrade existing lattice towers with monopoles. She said the Commission issued a Certificate of Filing approximately a year ago for the replacement and ACE has applied to the Board of Public Utilities for a N.J.S.A. 40:55D-19 petition, which was granted. She said because ACE has chosen to bypass local approval and use the 40:55D-19 petition, staff has drafted a resolution to set up a process for the public to offer comment and for the Commission to

vote on the application. She said the process set forth in the resolution is similar to the public development application process.

Commissioner Jannarone asked if an explanation of the project would be provided.

ED Wittenberg said she would be providing an overview of the project and an Executive Director's Recommendation Report will be prepared with all the details of the project.

Commissioner Lohbauer questioned why the public comment period was not 30 days.

Stacey Roth said the process to review the Atlantic City Electric application was modeled after the public development process, which allows the public only 10 days to comment. She added that the comment period will be open for 21 days.

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

Planning Matters

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Certify Ordinances 1969-2017 and 1970-2017, Amending the Zoning Map and Chapter 233 (Land Management) of the Code of Galloway Township (See Resolution # PC4-17-35). Commissioner Barr seconded the motion.

Chief Planner Grogan said this ordinance will add 50 acres to Galloway's R5C Zone, located in the Rural Development Area, where a Great Blue Heron population was at one time present.

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

Commissioner McGlinchey moved the adoption of a resolution Issuing an Order to Certify the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township (See Resolution # PC4-17-36). Commissioner Lohbauer seconded the motion.

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

Commissioner Lohbauer moved the adoption of a resolution Issuing an Order to Certify Ordinance 662 of Maurice River Township (See Resolution # PC4-17-37). Commissioner Jannarone seconded the motion.

Chief Planner Grogan said Ordinance 662 adopts a Redevelopment Plan concerning one parcel that is approximately four acres. She said the Township is attempting to foster new commercial development consistent with the existing non-residential uses in the vicinity. She said that after the P&I Committee meeting in September, she reached out to the Township to ask if it has lands in mind to deed restrict for the use of an advanced treatment septic system as part of the Redevelopment Plan for this parcel. Chief Planner Grogan

showed a map of Maurice River Township that depicted the Rural Development Area. She said the Township acquired a parcel through foreclosure that has the potential to be deed restricted. She promised to keep the Commission updated on the progress of this Redevelopment Plan. She said once an actual development application is received, staff will have better information.

Commissioner Lohbauer said that having worked with towns on revitalization projects, before he can understand how important they are. He said he supports this Redevelopment Plan.

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

Public Comment on Public Development Applications and Resolutions where the Record is Not Closed

Mayor Don Purdy of Galloway Township thanked the Executive Director, the Commission and staff. He said it has been a pleasure to work with Commission staff. He said Ordinances 1969-2017 and 1970-2017 will allow for sewer to construct public bathrooms at a Township recreation facility where portable bathrooms have been used for years.

Commissioner Prickett asked about the heron population.

Mayor Purdy said the population has been gone for many years.

Resolution to Retire into Closed Session

DAG Velzy read a resolution to enter into closed session to discuss a matter concerning a violation of law. The Commission agreed to retire into closed session by a vote of 10 to 0, beginning at 10:13 a.m.

Return to Open Session

The Commission entered back into open session at 10:52 a.m.

DAG Velzy said that in closed session the Commission discussed correspondence sent to individual Commissioners.

Ordinances Not Requiring Commission Action

The Commission did not review any ordinances this month.

Other

Chairman Earlen said that Commissioner Brown informed the Commission that this would be his last Commission meeting.

Commissioner Brown said he has been on the Commission for almost 35 years and it is time to say goodbye.

Commissioners and staff stood and applauded Commissioner Brown for his dedicated years of service on the Commission.

Chairman Earlen left the meeting at 10:52 a.m.

General Public Comment

Jonathan Peters, a professor at the City University of New York, said he has been studying the roads in Wharton State Forest for approximately three years. He said he found errors in the Commission GIS data that does not match his field-collected data. He said he would like to work with the Commission on this matter and on improving the economic analysis of the Pinelands.

Jason Howell, of the Pinelands Preservation Alliance (PPA), thanked the Commission and staff for approving the Wharton resolution. He said PPA will be offering supplies, materials and volunteers to the State Forest Service.

Other Resolutions

Vice Chairman Galletta presented the FY 18 Budget resolution.

Commissioner Lohbauer moved the adoption of a resolution to Adopt the Pinelands Commission's Fiscal Year 2018 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund (See Resolution # PC4-17-38). Commissioner McGlinchey seconded the motion.

ED Wittenberg said this fiscal year's budget includes the Katie Trust Fund. She said the fund was created after Commission employee Kathleen M. Lynch-van de Sande was killed in a car accident. She said the state appropriation has remained the same as last fiscal year. She reviewed the operating budget, which includes money for a generator and painting of Fenwick Manor. She said the remainder of the Kirkwood Cohansey budget will be used for developing policy that will include collaboration with the United States Geological Survey (USGS). She said the Katie Trust Fund Budget will be used to create a garden, with memorial benches. She then reviewed the Pinelands Conservation Fund and staffing levels and wages. She then went over the Fiscal Year 2018 initiatives. She said legislation has been drafted for the Pinelands Development Credit Bank. The legislation has been shared with Senator Jeff Van Drew. (See presentation slides and budget notes for further details).

Commissioner Avery added that the Personnel and Budget Committee has been briefed on the budget over the course of a couple of meetings. He said there are number of positive projects outlined in the FY 2018 budget.

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

Permanent Land Protection Presentation

Chief Planner Grogan reviewed the total number of acres preserved in the Pinelands Area in Fiscal Year 2017. She provided the number of acres preserved through each of the Pinelands Commission programs. She showed the numbers of acres preserved through the PDC program by management area. Lastly, she reviewed the total number of acres preserved through the years as of June 2017, which covers 49% of the Pinelands Area. (See presentation slides for additional details)

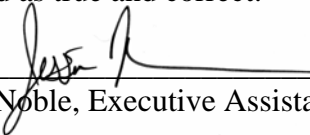
Adjournment

Commissioner McGlinchey said he was an original member of the Ad-hoc Septic System Committee. He raised concerns about the monitoring of alternate design septic systems. He said it's the county health department's responsibility to ensure that the maintenance contracts are continually renewed and that the systems are functioning. He said some homeowners who have an alternate design septic system are not renewing their contracts. A discussion ensued about the best way to address this issue.

Chief Planner Grogan said that staff member Ed Wengrowski is currently working on a tracking system that will allow him to coordinate with the boards of health more effectively. She said Mr. Wengrowski will be updating the Commission in early 2018 on this matter and others related issues with the Alternate Design Septic System program.

Commissioner Barr moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:34 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: October 20, 2017

**Pinelands Commission
Fiscal Year 2018
Budgets
October 13, 2017**

BUDGETS

- Operating Fund - \$5,025,838
- Kirkwood-Cohansey Aquifer Assessment Study Fund - \$163,792
- Katie Trust Fund - \$20,638
- Pinelands Conservation Fund - \$1,299,075

Operating Fund Revenue

	FY15 Audited	FY16 Unaudited	FY17 Unaudited	FY18 Anticipated
State Appropriation	\$2,469,000	\$2,499,000	\$2,649,000	\$2,649,000
State Supplemental Funding	687,000	687,000	687,000	687,000
Application Fees	253,000	425,000	500,000	340,000
Grants/Special Purpose	417,800	385,152	250,700	745,700
Other	7,000	4,000	2,500	7,600
Fund Balance/Reserves	481,732	641,560	552,512	596,538*
TOTAL	\$4,315,532	\$4,641,712	\$4,641,712	\$5,025,838

* Includes:

- \$394,468 from the Undesignated Fund Balance
- \$122,070 Reserves – Computer, Facilities & Microfilm
- \$80,000 PCF Administrative Assessment

Operating Fund Expenditures

	FY15 Audited	FY16 Unaudited	FY17 Unaudited	FY18 Anticipated
Salary and Wages	\$2,452,800	\$2,473,705	\$2,540,554	\$2,691,781
Fringe Benefits	1,353,650	1,539,755	1,448,268	\$1,594,542
Supplies	81,682	75,261	80,135	81,060
Professional Services	129,500	235,000	284,465	278,715
Other Services	157,800	174,228	203,820	212,116
Maintenance and Rent	75,500	96,200	62,250	122,400
Improvements and Acquisitions	64,600	47,563	22,220	45,224
Total Expenditures	\$4,315,532	\$4,641,712	\$4,641,712	\$5,025,838

Kirkwood-Cohansey Expenditures

	FY15 Audited	FY16 Unaudited	FY17 Unaudited	FY18 Anticipated
Salary and Wages	\$25,000	\$31,490	\$37,100	\$32,100
Fringe Benefits	12,750	17,475	17,066	16,692
Professional Services	200,000	175,000	98,000	114,000
Other	2,000	2,000	950	1000
Total Expenditures	\$239,750	\$225,965	\$153,116	\$163,792
Fund Balance	\$239,600	\$225,815	\$152,816	\$162,792

Katie Fund Expenditures

	FY18 Anticipated
Ground Supplies	9,638
Professional Services	10,000
Acquisitions – Furniture	1000
Total Expenditures	\$20,638
Fund Balance	\$20,638

Pinelands Conservation Fund Expenditures

	FY15 Audited	FY16 Unaudited	FY17 Unaudited	FY18 Anticipated
Land Acquisition				
•Personnel	\$68,000	\$126,409	\$17,987	\$18,240
•Professional Services	25,000	25,000	0	0
•Land Acquisition	797,598	750,000	600,000	500,000
•Other Expenditures	<u>20,816</u>	<u>21,600</u>	<u>21,000</u>	<u>20,225</u>
Total	\$911,414	\$923,009	\$638,987	\$538,465
Conservation Planning /Research				
•Personnel	\$321,630	\$336,333	\$415,786	\$351,120
•Professional Services	61,600	100,000	0	0
•Other Expenditures	<u>43,889</u>	<u>109,944</u>	<u>176,176</u>	<u>87,506</u>
Total	\$427,119	\$546,277	\$591,962	\$438,626
Community Planning /Design				
•Personnel	\$167,610	\$94,127	\$89,060	\$98,800
•Professional Services	0	0	0	0
•Aid to Municipalities	26,250	0	0	0
•Other Expenditures	<u>20,550</u>	<u>23,220</u>	<u>21,920</u>	<u>42,473</u>
Total	\$214,410	\$117,347	\$110,980	\$141,273
Education and Outreach				
•Personnel	\$34,730	\$52,540	\$58,400	\$73,720
•Other Expenditures	<u>46,500</u>	<u>372,621</u>	<u>416,463</u>	<u>106,991</u>
Total	\$81,230	\$425,161	\$474,863	\$180,711
Total PCF Expenditures	\$1,634,173	\$2,011,794	\$1,816,792	\$1,299,075

Staffing Levels

	Authorized	FY2015	FY2016	FY2017	FY2018
Executive	7.5	3.5	4.5	5.5	5.5
Land Use & Technology	12	7	5	8	8
MIS & GIS	6	6	6	6	6
Regulatory Programs	20.5	13	11.5	11.5	10.5
Science	9	5	5	4	4
Business Services	9	7	7	6	5
Public Programs	2	2	2	2	2
Total	66	43.5	41	43*	41*

* FY2018 staffing level: 40 full time, 2 part time

Salary and Wages Expenditures

Current Staff (41 FTEs; 25 unfunded FTEs)	
40 Full time employees	2,997,259
2 Part time employees	82,122
Estimated Overtime	1,000
	<u>3,080,381</u>
Operating Fund Budget	2,691,781
Kirkwood Cohansey Study Budget	32,100
Pinelands Conservation Fund Budget	
Land Acquisition	12,000
Conservation Planning & Research	231,000
Community Planning & Design	65,000
Education & Outreach	48,500
	<u>3,080,381</u>

FY2018 Initiatives

- Completion of the Visitors Center and Katie Garden
- Plan Review Implementation
 - Rules:
 - Adopt: efficiencies, signs, advanced septic
 - Propose: Black Run, Kirkwood Cohansey/Water Supply, Application Process
- Pinelands Development Credit Bank
 - legislation
- Long Term Economic and Environmental Program Reviews
- Cultural Resources
 - Symposium
 - Field School



Permanent Land Protection

Annual Update on
Pinelands Programs
2017

Newly Protected Land in the Pinelands Area

July 2016-June 2017

	Acres Protected
Pinelands Programs	342
State Acquisition (Green Acres)	1,035
Farmland Preservation	633
County Open Space	347
Other	4
Total Acres	2,361



**Distant Meadows Farm in Jackson Township,
acquired by OCNLT**
Photo by NJPC

Acres Protected Through Pinelands Commission Programs July 2016 – June 2017



- PDC Program – 162 acres
- Limited Practical Use Program – 33 acres
- Density Transfer – 83 acres
- Clustering – 24 acres
- Density/Dilution/T&E – 40 acres

Total Acres: 342

*The Katz property in Pemberton, protected
in 2006 through the PDC program*

Photo by NJPC

PDC Program

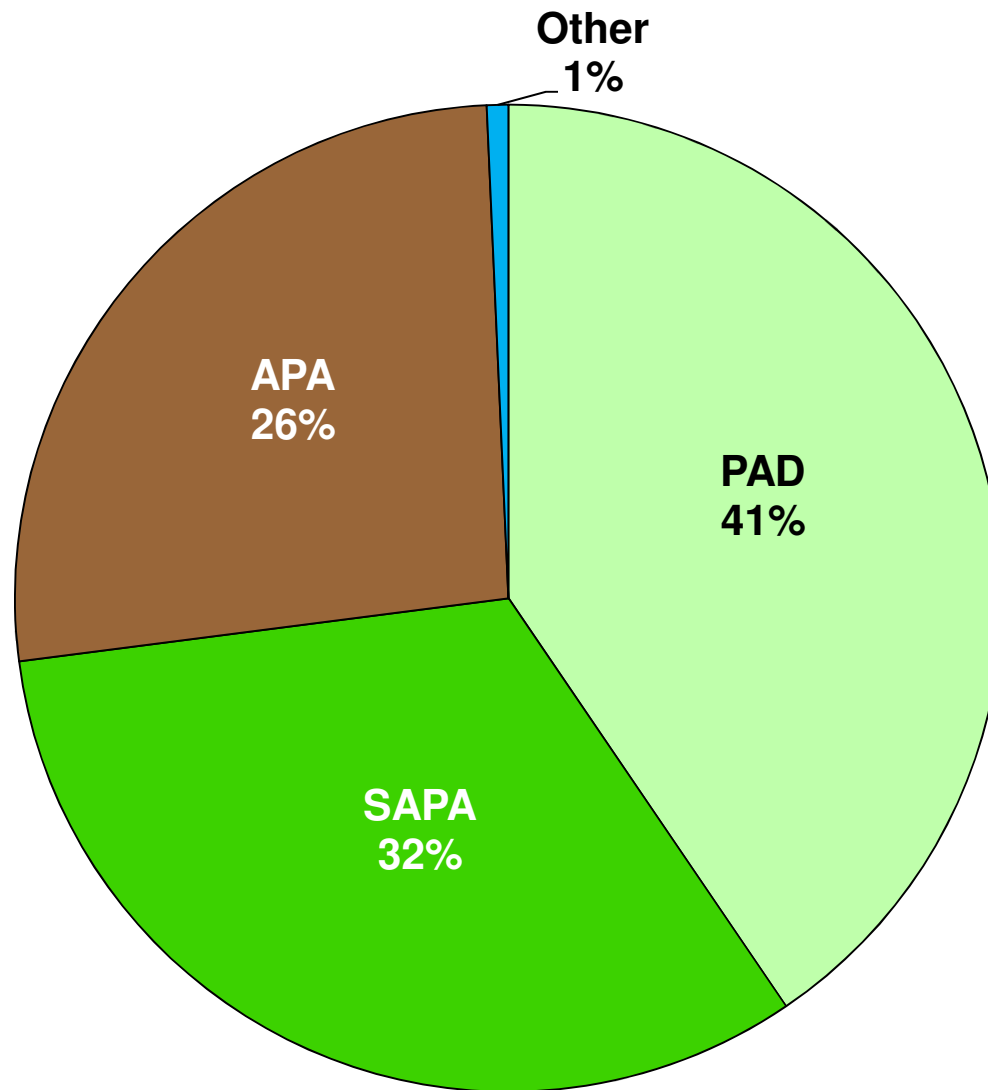
Lands Preserved During FY17

Municipality	Management Area	Acres Preserved	Rights Severed
Pemberton	APA	91	14
Southampton	APA	40	2
Pemberton	APA	11	2
Pemberton	APA	20	4

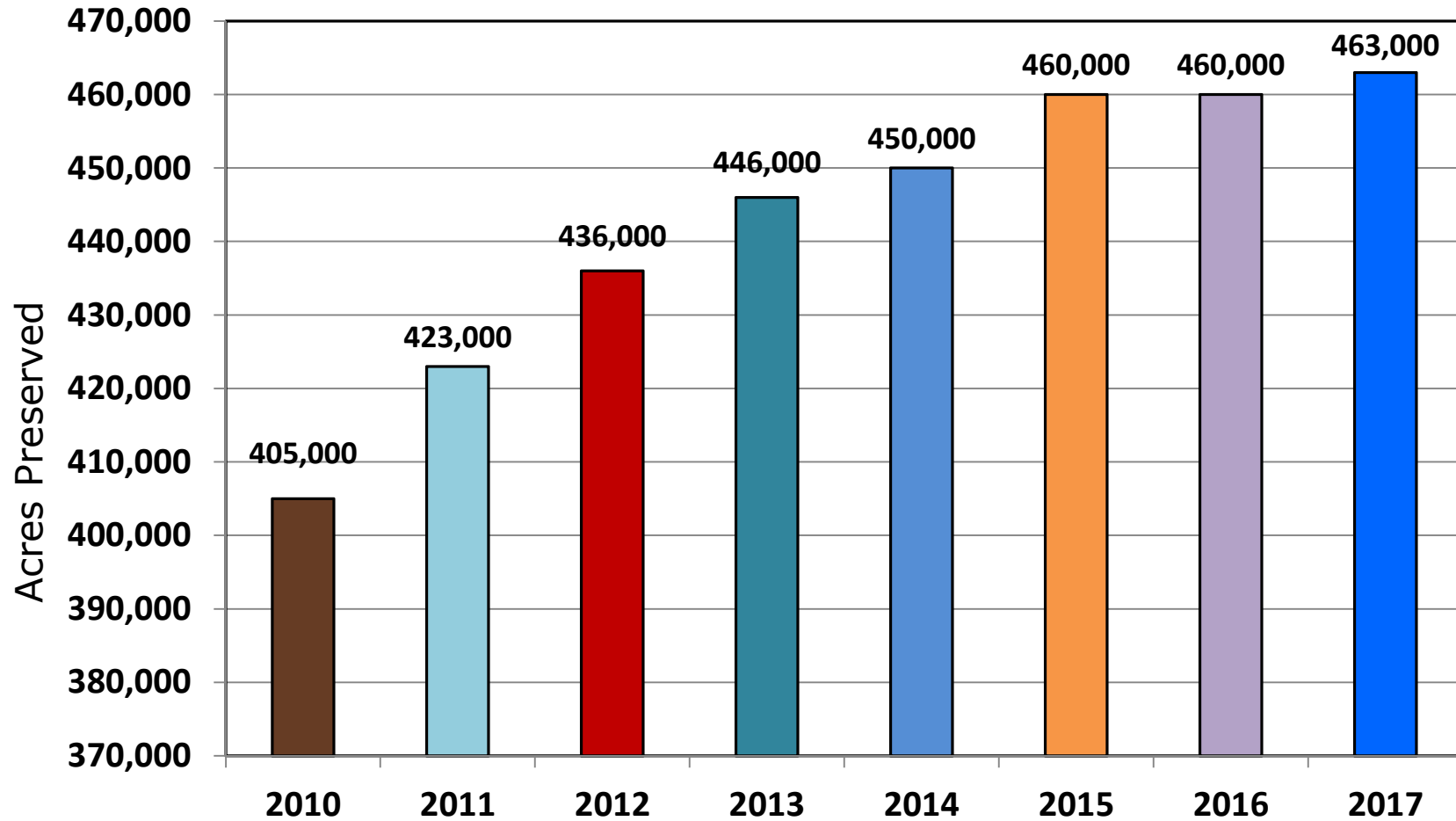
PDC Program Lands Preserved Through FY17

Management Area	Acres Preserved
Preservation Area District	21,255
Agricultural Production Area	13,959
Special Ag Production Area	16,764
Other	368
Total	52,346

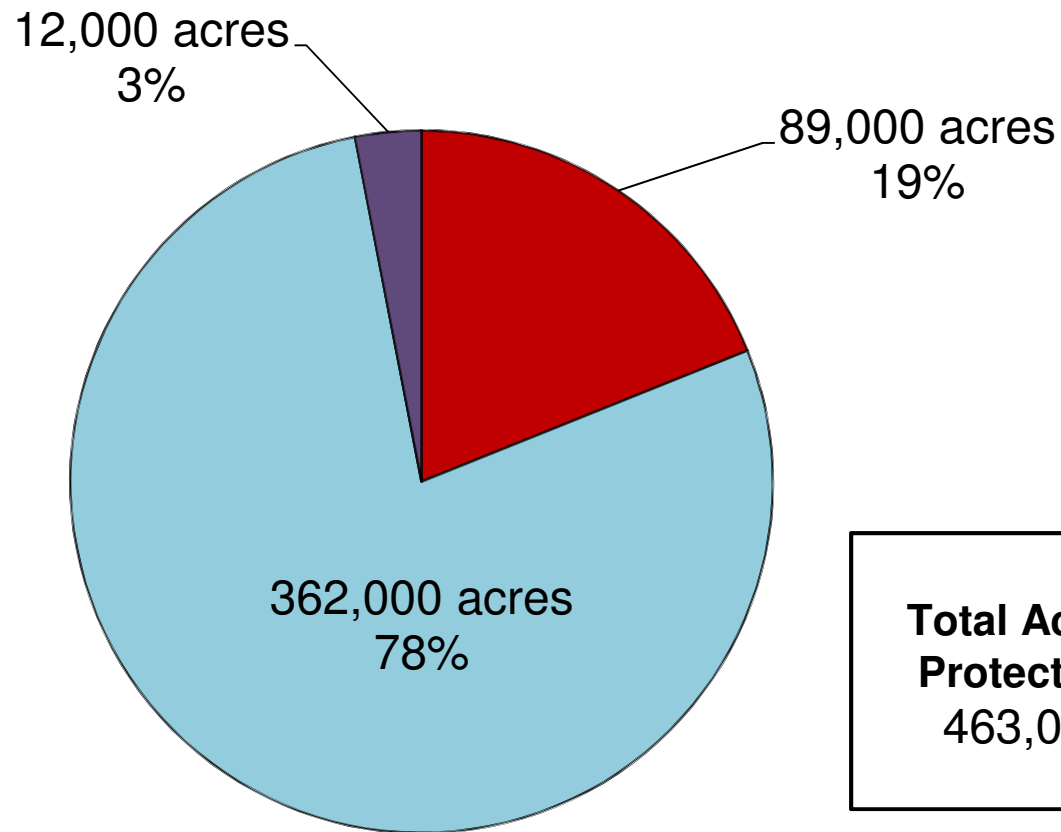
**Pinelands Development Credit Program
Lands Protected by Management Area
through June 2017**



Permanent Land Protection in the Pinelands Area through June 2017



Permanent Land Protection Programs in the Pinelands Area through June 2017



■ Pinelands Programs

■ Other Government Programs

■ NGO Programs

Protected Lands by Management Area

June 2017

Management Area	Total Acres	% Protected
PAD	295,000	81%
SAPA	37,500	59%
FA	257,000	56%
APA	68,500	41%
RDA	109,500	20%
RGA	76,500	8%
Village	26,000	4%
Town	21,500	6%
Military/Federal	47,000	0%
Pinelands Area Total	938,000	49%

Permanent Land Protection in the Pinelands Area

June 2017

- 463,000 acres protected
- 49% of the Pinelands Area
- 94% of the protected land is located in the conservation-oriented management areas (PAD, SAPA, FA, APA)



The 570-acre Amatol property in Mullica was preserved by DEP in FY2017.

Photo by NJPC