

**JACKSON TOWNSHIP ENVIRONMENTAL COMMISSION
MEETING July 17, 2007 Corrected Minutes**

Call to Order by Chairman Fowler at 7:34 PM.

Flag Salute

Announced compliance with Open Public Meeting Act.

Roll Call:

PRESENT, Gene Fowler Chairman, Lonnie Cromwell, Denise Garner, Blanche Krubner,

ABSENT: Richard Borys excused, Lori Neuman, absent, new member Hank Aranda, not present.

Chairman Fowler asked for a motion to accept the May 15, 2007 minutes. Motion: GARNER/Cromwell. Vote: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Chairman Fowler asked for a motion to accept the June 19, 2007 minutes. Mrs. Krubner requested the following corrections/ changes be made:

- 1) RGC Associates, page 1, paragraph #1, sentence #7 which reads "Gene Fowler noted that the times of year the studies were conducted and the field notes were not provided." This to be changed to read, "Gene Fowler noted that the times of year the studies were conducted and the field notes should have been provided."
- 2) RGC Associates, page 1, paragraph #2, first sentence which reads, "All present agreed that the EISs for the previously submitted individual plans were not accepted by the Commission and left in an incomplete status." This is to be changed to read, "All present agreed that the EISs for the previously submitted individual plans were not accepted by the Commission and because they had been left in an incomplete status."
- 3) RGC Associates, page 1, paragraph #2, second sentence which reads, "Mr. Borden agreed to provide copies of the individual T&E studies from the individual projects to the Commission for review with 1 month." This to be changed to read, "Mr. Borden agreed to provide copies of the individual projects to the Commission to review within 1 month."
- 4) RGC Associates, page 1, paragraph #5, sentence #1, which reads, "Blanche Krubner asked for more information regarding the number of basins to be used." This to be changed to read, "Blanche Krubner asked for more information regarding the number of stormwater management basins to be used."
- 5) RGC Associates, page 2, paragraph #3 which reads, "Mrs. Krubner requested that non-structural be included as part of the final design." This to be changed to read, "Mrs. Krubner requested that non-structural stormwater management practices be included as part of the final design."
- 6) RGC Associates, page 2, paragraph #4, sentence #2, which reads, "Any fill required will come from natural resources, but will not be determined prior to the final project design is completed." This changed to read, "Any fill required will come from natural sources, but will not be determined prior to when the final project design is completed."

Motion was made by Denise Garner to accept the minutes as corrected, seconded by Lonnie Cromwell. Vote: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Chairman Fowler stated to the members present that both Dick Borys and Blanche Krubner had expressed interest in the position of Vice Chair. Chairman Fowler stepped from the Chair to make a motion to nominate Dick Borys. Lacking a second, the motion died. Denise Garner made the motion to nominate Blanche Krubner for the position of Vice Chair. Motion was seconded by Lonnie Cromwell. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Motion was made by Blanche Krubner to change the order of the agenda and to proceed to New Business, #7, Toms River C1 Status Commentary to NJDEP Resolution, seconded by Denise Garner. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Toms River C1 Status Commentary to NJDEP Resolution: Denise Garner is to prepare the draft for this correspondence. Since Chairman Fowler has not heard from Lori Neuman to confirm editing the draft since his assignment on July 5th via email, he will edit the draft and send it to the DEP by July 20, 2007. Motion was made by Blanche Krubner that the draft be prepared by Denise Garner, edited by Gene Fowler, and if no comment is received from Commission members, it is to be sent out without further motion to approve; we trust our Chairman's judgment. Motion was seconded by Denise Garner. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Open Space to Jackson Township Council – Since Chairman Fowler has not heard from Lori Neuman regarding the email assignment of drafting the Jackson Township Environmental Commission's comments for the Jackson Township Council, the task is reassigned to Denise Garner as Lead Editor, with Blanche Krubner as Assistant Editor. These comments are to be presented to the Council at the July 24, 2007 meeting. Denise Garner will present at the meeting with Chairman Fowler also being in attendance. Motion was made by Lonnie Cromwell to have Denise Garner as lead editor and presenter for Environmental Commission comments to the Township Council July 24, 2007, with Blanche Krubner as assistant editor. Motion seconded by Denise Garner. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Smart Growth (NJDEP and NJ Department of Community Affairs: Denise Garner interpreted the article as Smart Growth being administered by the NJ Department of Commercial Affairs, and as looking for the Townships to submit rosters of natural resources. Blanche Krubner stated that she would like the natural resources inventory done electronically with GPS layers electronically. Motion was made by Lonnie Cromwell that this be assigned to Denise Garner, with Kathy Rogacki as a resident/ volunteer assistant to be due for the August 21, 2007 meeting. Motion was seconded by Blanche Krubner. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Addition to the agenda: Motion was made by Blanche Krubner to organize an environmental education subcommittee to include extra NJDEP watershed posters, also new stormwater pollution posters from the April 2007 seminar. Kathy Rogacki is to work with the subcommittee as a resident volunteer. Motion was seconded by Denise Garner. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Motion was made by Blanche Krubner to return to the original agenda order, seconded by Denise Garner. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Old Business

RGC Associates Project Reference 25171 Previously reviewed as separate applications (Block 53, Lot 30, Block 53, Lot 32.01, Block 53, Lots 1 & 36, Block 53, Lots 2.10 & 4).

Chairman Fowler explained that at the July 16th meeting, Mr. McGuckin clarified that a new study cannot be conducted. Legally available is the ability to hire an independent firm to review the current EIS. This was Mr. McGuckin's interpretation of the Township Ordinance. Blanche Krubner stated that she feels that this is Mr. McGuckin's interpretation and that there is "wiggle room" to hire an outside consultant to do a complete study.

Mr. Gogan, 297 Grawtown Road stated that Pemberton did hire an outside consultant.

Blanche Krubner stated that she would prefer that a consultant be used from outside of Ocean County. Denise Garner stated that she would like someone from Stoney Brook.

Mr. Gogan stated that he would like to be shown the law that says you cannot hire an outside consultant.

Mr. George Fisher, 84 Bowman Road stated that there are 8 sites, but that they are one in the same, 1 family, 1 ownership. They are the same aspects as Grawtown Estates.

Mrs. Krubner stated that she currently doubts that credits could be obtained at this time. It will be coming before the Planning Board on August 20, and will be verified by Gene Fowler. RG2 has been moved to August 6, and Mr. Kelly will represent the applicant at the meeting.

Gene Fowler stated that at the very end of the meeting, he asked for a new study and was told by Mr. McGuckin that the request could only be of a current EIS review, and there was still the issue of how the review will be paid for.

Blanche Krubner stated that originally Mr. Shea offered a 10 year build out, later he offered a 5 year build out.

Mr. Gogan asked again to clarify that it is only a review, not an independent study. He also requested that Mr. McGuckin be asked to research if an outside study can be done.

Chairman Fowler stated at the July 16, 2007 Planning Board meeting that the draft letter from the June 19 Environmental Commission meeting would not be issued, but summarized the recommendation for an outside consultant study at the Planning Board meeting microphone. The T&E studies were provided as requested.

The draft letter was read aloud by Blanche Krubner,

Dear Chairman and Board Members:

The Jackson Township Environmental Commission reviewed the above plans and had tabled the application pending the receipt and review of additional information.

All additional information requested has been provided by the applicant. The applicant agrees to provide the Commission with the individual project's Threatened and Endangered Species Reports within one month for the Commission to review and discuss in preparation for the final review appearances of the individual project applications. The Commission reserves comment on concerns regarding the basins and Pump Station until the individual projects final review presentations when design details will be available.

The Commission recommends that the landscape designs include natural vegetation rather than lawns that would require lime and potentially damage the natural cedar swamp in the area. Also recommended is the use of non-structural storm water management whenever possible.

It is recommended that the final plans be designed to save as many trees as possible on each site for the projects. Due to resident testimony presented at the June 19, 2007 meeting, the Commission would recommend the Planning Board have an independent Environmental Study conducted for the project areas, specifically for the Northern Pine Snake, pursuant to Jackson Ordinance 07/06."

Blanche Krubner stated that there was no mention in the EIS of vernal pools, and is curious as to how they were overlooked. She would like to have the letter include the question regarding vernal pools and that they can only be looked for from March to May and are protected by State Law. Denise Garner stated that March to May is breeding time, and that in the summer months the ponds are dried up. She also stated that vegetation takes over, and they can be identified by the indicator vegetation. (The word "indicator" added at Mrs. Krubner's request and not reflected in the secretary's notes taken during the meeting.)

Mr. Fisher asked if there had been fence studies done on the eastern side of Grawtown.

Blanche Krubner replied the EIS stated they had.

Mr. Fisher asked if there had been additional fences on Grawtown Estates.

Gene Fowler responded that yes there had.

Mr. Fisher stated that there were only fences on Handy Acres Ranch.

Blanche Krubner stated that there was nothing on Mr. Fox's property.

Mr. Gogan stated that there should be something on the reports.

Blanche Krubner stated that there was a table provided from March to October with a summary of the studies and total of man hours. A copy was given to Mr. Fisher.

All other actions are to be carried to the July 17, 2007 meeting.

Gene Fowler stated that the table doesn't provide the details, and that is why the additional notes were requested

Blanche Krubner suggested to Mr. Fisher and others present that they speak to Theresa Lettman.

Mr. Fisher questioned how you discount concrete evidence of T&E species. With the sightings, how can you not.

(The following paragraph is being changed at the request of Mrs. Krubner, (Original paragraph) *Blanche Krubner responded that the land use was written to discount evidence, in favor of the developers. That is why only credible witnesses can be used. Testimony can be limited to only qualified experts.* (Change to read as follows) *Blanche Krubner responded that the land use Law was written in favor of the developers. That is why only witnesses accepted by the courts as experts can be used. Testimony is limited to only those deemed as qualified experts.* (This change does not correspond with the notes taken at the meeting by the secretary.)

Mr. Gogan stated that you don't have to be an expert to see a snake on the road.

Mrs. Krubner responded that as residents you can ask the Pinelands Commission to take another look.

Mr. Fisher stated that they had asked the Township and that they are asking the Environmental Commission also to ask the Pinelands to look at the area and the Threatened and Endangered Species.

Blanche Krubner responded that when the reports are reviewed, the Commission will be looking for what is missing. She also stated that these are public documents that the public can also see.

Motion was made by Blanche Krubner to move the agenda to open the public forum, seconded by Denise Garner. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

David Williams of 273 Grawtown Road stated that he would like to have representatives from the Planning Board, Zoning Board and Environmental Commission walk the property.

Blanche Krubner responded that the property can only be walked with the owner's permission.

Mr. Gogan stated that he could get permission from the owners on the other side of the road. He knows the land owners on the other side and could obtain permission to walk the properties to look for Pine Snakes.

Blanche Krubner asked Mr. Fisher if he attended the Pinelands meetings.

Mr. Fisher responded that he did, some in Delaware and in Mullica Township.

Motion was made by Lonnie Cromwell to approve the letter as amended by Blanche, seconded by Gene Fowler (stepping from the Chair). The letter is to be sent out with two attachments, 1) Regarding General Development Plan and 2) DEP Grawtown 5/15/07. Revised draft is to be forwarded to Chairman Fowler for review and clean copies of the attachment will be provided

electronically by Chairman Fowler. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

Motion was made by Denise Garner to close the public forum, seconded by Lonnie Cromwell. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

The T&E Reports provided for the General Development Plan will be taken by Lonnie Cromwell for review, with Blanche Krubner to assist.

Motion was made by Blanche Krubner that all other items will be carried to the August 21, 2007 meeting, seconded by Lonnie Cromwell. Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

The August Commission meeting is tentative. Due to a conflict with a scheduled Council meeting in August, the Environmental Commission is slated to meet in the break room. Chairman Fowler would prefer not to use the break room for the meeting and will look into another meeting room and/or rescheduling for an alternate location for August 22, 2007.

All correspondence received was provided to Chairman Fowler for review.

Motion was made by Denise Garner to pay the Board Secretary Salary \$100.00 for July 17, 2007, seconded by Lonnie Cromwell. . Voting: Cromwell, yes; Fowler, yes; Garner, yes; Krubner, yes:

NEXT MEETING, Tuesday August 21, 2007, 7:30 PM to 10:00 PM at the Municipal Building.

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Minutes prepared and submitted by Lisa Knoll